

Maine Board of Dental Practice Strategic Planning Workshop

Highlight Notes

February 11, 2022, The Ice Vault, Hallowell, Maine

These notes were taken mostly on the spot by facilitator Craig Freshley. They are not a complete record of what was discussed and they have not been checked for accuracy or approved by the Board.

About the Retreat

Attendance

1. Dr. Zajkowski
2. Tracey Jowett, RDH
3. Dr. Scholl
4. Dr. Davis
5. Dr. Walawender
6. Dr. Ray
7. Lourdes Wellington, Public Member
8. Mike Adkins, Denturist Subcommittee Member
9. Commissioner Anne Head
10. Penny Vaillancourt, Board staff
11. Kerrie Ingram, Board staff
12. Craig Freshley, Facilitator
13. Members of the public

Focus of the Retreat

This workshop presented an excellent opportunity for the Board to discuss big picture systemic issues that we don't normally have a chance to discuss. In planning the retreat we identified several topics that would of great value for the board to discuss and/or resolve. In fact, we figured to have about twice as much to talk about as we actually have time to talk about. As a result we designed a retreat to focus on the four most important things at this time:

- Emergency Preparedness in the Future
- Consumer Complaints
- Emerging Regulation and Practice Issues
- Organizational Development

It was expectation to come to conclusions on each of these topics and that our conclusions would provide guidance to the Executive Director as she prepares the Draft Strategic Plan, and will also provide guidance to the Commissioner as she makes larger and longer term plans.

So that the workshop was inclusive, collaborative, and efficient, it was professionally facilitated by Craig Freshley of Good Group Decisions based in Brunswick. Craig has facilitated previous workshops of the Board and worked with Dr. Mark Zajkowski, Tracey Jowett, and Penny Vaillancourt to develop this agenda. In addition to planning and facilitating the workshop, Craig also prepared these notes.

Agenda

8:50 **Arrival and Refreshments**

9:00 **Opening**

Dr. Mark Zajkowski will welcome the group and offer some opening remarks. Penny Vaillancourt will say a few words and introduce facilitator Craig Freshley who will explain the workshop format. We will do some quick introductions and give everyone a chance to say hello.

9:20 **Emergency Preparedness for the Future**

- Let's imagine we receive word that a brand new pandemic is going to hit us in 2027, five years from now. We know it's coming. Weird, but just pretend.
 - Here's the question: ***What should the Maine Board of Dental Practice do to prepare for such an emergency?***
- We will answer this question first by writing our individual ideas and then we will put them all up on the wall. We will discuss and organize all the ideas.
- We will come to conclusions about the top steps to be taken.
- Even though a hypothetical exercise, this will help us be better prepared for any type of future crisis.

9:50 **Emerging Regulatory and Practice Issues**

- What are the leading emerging and regulatory practice issues that the Board should make plans for?
- We expect to start with this open-ended question and we anticipate discussing things such as our relationship with the legislature, scope of jurisdiction, and related.

10:40 **Break**

11:00 **Consumer Complaints**

- We will ask ourselves: **Does the complaint process protect the public and is it fair for licensees?**
- We will explore various aspects of this question and explore other questions related to how the Board handles complaints.
- We expect to come to conclusions about how to improve investigations, enforcement, anesthesia, specialties, and related.

- 12:30 **Lunch**
- 1:20 **Organizational Development**
To meet current and future demands, it's clear that the Maine Board of Dental Practice needs to ramp up capacity along the following lines:
- Staff Capacity
 - Add new positions
 - Dental Director
 - Complaint Coordinator
 - Improve investigations and other functions
 - Financial Resources
 - Adequate resources required to implement the plans we are making
 - Board Development
 - Board member onboarding
 - Role of the subcommittees
 - We will also ask if there are any other organizational development issues to be discussed by the Board.
- 2:30 **Vision, Emerging Issues, Other**
- We expect to review the 2017 Vision Statement and discuss if it should be revised.
 - As time allows we might also discuss Emerging Issues, Special Projects, and/or other topics to be addressed in our Draft Strategic Plan.
- 3:00 **Break**
- 3:20 **Reflections from the Commissioner**
Commissioner Anne Head plans to offer some reflections and encouragement.
- 3:50 **Closing Comments**
This is a chance for each person to say a brief last word; perhaps a reflection about the workshop or a particular hope going forward.
- 4:00 **Adjourn**

Ground Rules

- The answers are among us
- Hands to speak
- Minimize distractions
- Seek common ground

- Name tensions
- Flexible agenda
- Discussion among board and staff
- Themes and conclusions now and later
- Neutral facilitation and reporting

Emergency Preparedness for the Future

Set up

Let's imagine we receive word that a brand new pandemic is going to hit us in 2027, five years from now. We know it's coming. Weird, but just pretend.

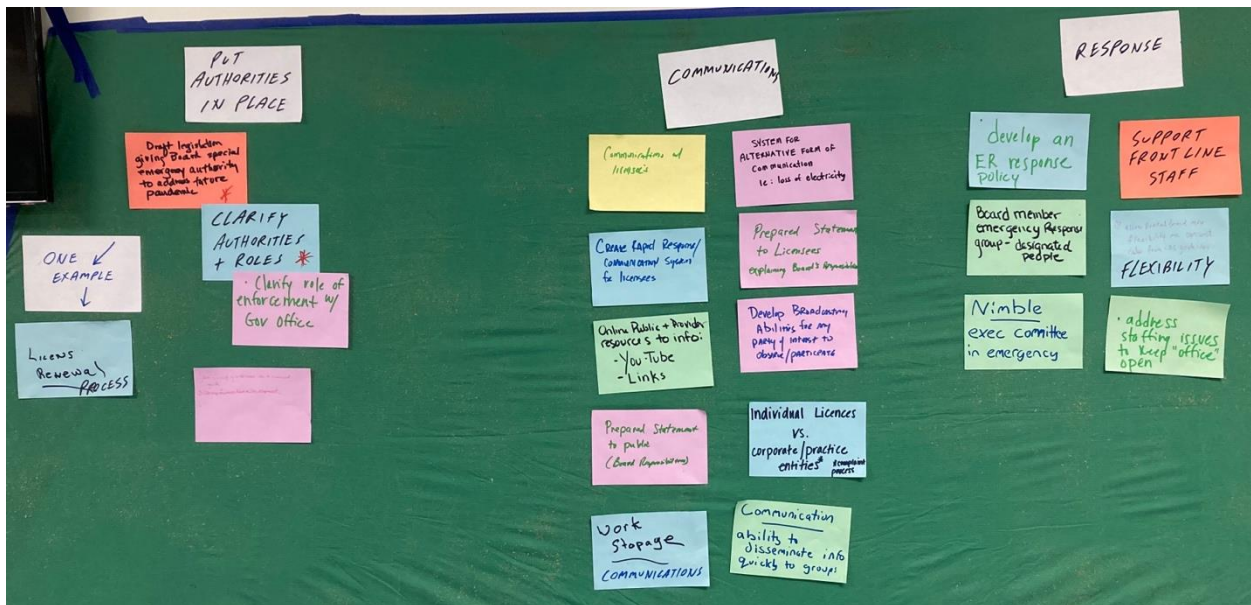
What should the Maine Board of Dental Practice do to prepare for such an emergency?

Craig asked participants to write answers to these questions which we then discussed and organized on the wall as follows. See photo below.

Answers

- Get authorities in place in advance
 - Draft legislation giving board special emergency authority to address future pandemic
 - Clarify authorities and roles [starred]
 - Clarify role of enforcement with government office
 - One Example
 - License renewal process
 - Use COVID guidelines as a current guide
- Communications
 - Communications with licensees
 - System for alternative form of communications ie. Loss of electricity
 - Create rapid response communication system for licensees
 - Prepared statement to licensees explain board's responsibilities
 - Online public and provider resources to info
 - YouTube
 - Links
 - Develop broadcasting abilities for any party or interest to observe/participate
 - Prepared statement to public (Board responsibilities)
 - Individual licenses VS. Corporate/practice entities (if complaint process)
 - Work stoppages affect communications

- Communication – ability to disseminate information quickly to groups
- Response
 - Develop an ER response policy
 - Support front line staff
 - Board member emergency response group – designated people
 - Allow dental board more flexibility on current rules from CDC Guidelines.
 - Nimble executive committee in emergency
 - Address staffing issues to keep “office” open



Emerging Regulatory and Practice Issues

Craig asked the following question and facilitated a discussion of answers: **What are the leading emerging and regulatory practice issues that the Board should make plans for?**

Initial Ideas

- Tele-dentistry
 - Lots of issues to be worked out
- The role of corporate dentistry
 - Regulating entities (companies, dental school) not just the licensee
- Mail-in Dentistry
- Access to care
 - Need to be careful that restricting trade does not restrict access to care

- Expanding scope of all license categories and advertising
- Changing delivery of care models
- Licensure mobility and pathways to licensure
 - The Board needs to be prepared for this
- Anesthesia
 - Regulating the permitting and delivery
 - An adverse event would not work well in our current process

How to regulate corporate entities

- Ideas
 - Regulate all “practice,” rather than just licensees
 - Provide more authority to regulate entities
 - Refer corporate cases to another entity that regulates entities
 - License facilities in addition to individuals
 - What we want to address
 - Some authority to handle ethical and business-related issues
 - Licensing/regulating more entities could generate income
 - Inspections for health and safety is the biggest lift
 - Other states require a facilities license and a license for each practitioner/administrator
 - It would be good if we had a model that doesn’t limit access to care, such as another practitioner taking responsibility for health and safety when “the dentist is out”
 - Need to consider that all entities are not the same
 - Different sizes
 - Serving different populations
 - Need to protect the public AND provide access
 - Need to be careful not to “scare away” practitioners
- Conclusion
 - There was general agreement on the following:
 - We need to put things in place so that dental practice entities are more fully regulated
- Next steps
 - Penny will collect and bring best practices for the Board to consider
 - The legislative timing is now
 - We need prepare legislation quickly

Ideas about licensure mobility and pathways to licensure

- The Board needs to be prepared for upcoming changes
- We need to be able to recognize licenses in other states without delay
- We need to have continuing and growing influence in the Legislature
 - This requires collecting and presenting data
- How the board can help

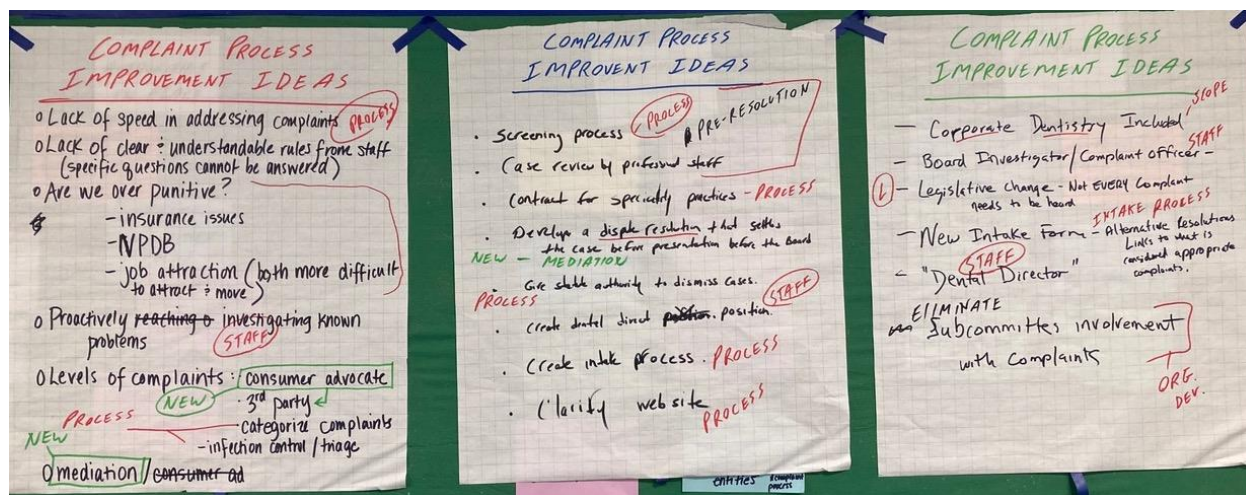
- Spend time at Board meetings getting briefed on what's happening and what's coming
- Universal license process or compact license process

Consumer Complaints

Craig asked the following question: **Does the complaint process protect the public and is it fair for licensees? How could it be improved?**

First Ideas

Participants considered answers to the above questions as individuals, then in pairs, then in small groups. Answers were jotted by three small groups. See photo.



Organized Ideas

As a group we discussed the comments and Craig labeled some in red on the spot and later organized them as follows:

- Process Improvement Ideas
 - Address lack of speed in addressing complaints
 - Address lack of clear and understandable rules from staff (specific questions cannot be answered)
 - Improve screening process
 - Pre-Resolution
 - Case review by professional staff
 - Develop a dispute resolution that settles the case before presentation before the board

- Give staff authority to dismiss cases
 - Legislative change – not every complaint needs to be heard
 - Categorize complaints
 - Infection control / triage
 - Clarify website
 - Establish a new intake process
 - New intake form
 - Alternative resolutions links to what is considered appropriate complaints.
- New Creation Ideas
 - Third party consumer advocate
 - Mediation
- Staff Capacity Ideas
 - Dental Director
 - Create dental director position
 - Board investigator/Complaint officer
 - Proactively investigate known problems
 - Contract for specialty practices
- Organizational Development Ideas
 - Eliminate subcommittees involvement with complaints
- Other Ideas
 - Include Corporate Dentistry
 - Are we over punitive?
 - Insurance issues
 - NPDB
 - Job attraction (both more difficult to attract and move)

Discussion

- It's important that staff don't answer questions that staff are not qualified to answer
 - Unfortunately, people are unsatisfied that staff can't answer but rather are deferred to their dental leaders
- Top Topics
 - Staffing
 - Intake process
 - Pre-screening with multiple pathways to resolution
 - Consider providing some sort of a consumer advocate
 - Reconsider how punitive we are
 - Scope of jurisdiction to include entities
 - Re-organize to eliminate sub-committees

Pre-screening with Multiple Pathways to Resolution

Potential Categories of Complaints

- | | |
|--|---|
| 1. Patient Care | 6. Patient abandonment/
practice closure |
| 2. Fee disputes | 7. Financial |
| 3. Communication disputes
between patients and dentists | 8. Criminal conduct |
| 4. Infection control | 9. Providing patient records |
| 5. Substance use | 10. Unlicensed practices |
| | 11. Unrelated |

Potential Paths

- One Idea – Five Paths
 - Letter of Guidance
 - Send it mediation (might require statutory change)
 - To the Full Board
 - Dismissal by staff (would require statutory change)
 - Consent agreement
- Another Idea – Two Paths
 - Has merit
 - Go to the Board
 - No Merit
 - Staff decide

How

- A staff team reviews cases and decides whether it gets dismissed
 - Someone needs to be on the team with dental expertise
 - There would need to be some guidance from board
- Provide more clarity and guidance at the website
 - Require more steps so the complaints are more on target and better defined
 - It's an indirect way to categories

To Initiate New ways

- Delegation Orders from the Board could allow staff to have more authority
- For some issues, change the law

Conclusions

Next steps

- Ask staff for a recommendation
- Ask the different types of licensees for input on how it should work

General agreement

There was general agreement with the following:

- We want to streamline the complaint resolution process as follows:
 - Filter the intake
 - Insulate the board
 - Hire an investigator
 - Maintain public confidence and public health

Organizational Development

To Discuss

- Add new positions
 - Dental Director
 - Complaint Coordinator
 - Improve investigations and other functions
- Financial Resources
 - Adequate resources required to implement the plans we are making
- Board Development
 - Board member onboarding
 - Role of the subcommittees
- Other Issues
 - Anything else?

Current situation

- We are doing fine on the Licensing side
- We are struggling and losing ground on the Complaint side
- Board Investigator position is vacant and hopefully will be funded in the next budget
 - This person needs to be a nurse and out in the field
- Full time compliance review is needed

- The current staffing situation is unmanageable
 - The shoulders of the staff are heavy
- Relocating physical space is a big deal
- Other boards have larger professional staff

Proposals for Improvements

- Add staff capacity
 - Board Investigator (currently established but unfunded)
 - Dental Director (not full time)
 - Reclassify current three positions to be more competitive
- Streamline administrative burden
 - Eliminate the subcommittees
- Increase Revenue
 - Increase fees
- Reclassify ourselves from an Affiliated Board to an Umbrella Board
 - Umbrella boards share admin and overhead
 - More financial security if in financial difficulties
 - Affiliated boards have total independent regulatory authority

Discussion about Elimination of the Subcommittees

- Would save administrative burden
- Would free up \$10k or so
- Eliminating the dental hygiene subcommittee would
 - decrease hygienist representation on the board
 - impact access to health care – which is often championed by hygienists
- Idea – add another seat on the board for a dental hygienist
 - Could be added
 - Could change a dentist seat to a hygienist seat when it becomes vacant
- Denturist committee will meet whether or not formally constituted by the Dental Board
- Don't see how adding a tenth board member adds to efficiency or helps access to care
- The number of complaints handled by subcommittees are small, and so eliminating them makes sense
- There's an optics issue if we were to eliminate the hygienist subcommittee without adding a hygienist seat on the board. It looks like decreasing representation.
- This board should not be restricting any trade in any way, and shouldn't appear so

Discussion about Board Development

- Recent experiences
 - Staff reached out to help me – it was good
 - It was horrifying – didn't work well
 - I like knowing the history
 - I like knowing the precedents
- Ideas for improvements
 - Make as level a playing field as possible
 - Assign mentors
 - Former board members mentor current board members?
 - Basic training about the board role
 - Develop a board manual
 - Show all the organizations that this organization works with
 - Develop video training modules
 - Have a program of ongoing training for board members, not just when they join

Discussion of Financial Needs (in addition to staffing)

Needs

- Training for staff
- Technology
 - Complaint dashboard
 - Enhancing our existing system
- Website
- Professional development for board members
- Capital improvements
 - Our current space is becoming inadequate

Discussion

- Consideration of pros and cons of getting revenues from fees vs. getting fees from the general fund
- Idea: Charge fees to entities once we put in place a framework to regulate entities
- Idea: sliding fees

Conclusion

- General agreement that we should raise fees in order to pay for the above improvements, including increasing staff capacity
 - Fee increases should be equitable to all licensing types
 - Look at potentially increasing the cap on hygienist fees

- Look especially at the fees for Dental Residencies
- Use BLS Salary data as the basis

Vision Statement

Current

In 2021, the Maine Board of Dental Practice has an extremely positive and trustworthy reputation, statewide and nationally, for ensuring public safety through the fair and consistent application of Maine laws and rules. The Board is the go-to resource for accurate information and clear expectations about the practices it regulates. Its work is highly efficient and user-friendly. Members of the Board are trusted and respected for their integrity and commitment to public service. Staff are highly competent and well-regarded. Funding is adequate to support continuous development and ongoing work required to achieve this vision.

Comments

- We have achieved this vision, except maybe that last line about funding.
- We could ask for feedback at the website: how are we doing on this vision?
- We could ask when licensees renew their licenses
- How about a newsletter from the board to licensees?
 - It would help people understand our role
 - What we do and don't do
 - We could explain how we are funded

Conclusion

- General agreement on the Vision Statement for the next five years.
- Same language. Change the date to 2027.

Commissioner's Remarks

Presentation

- Compliments and Thank Yous
 - I compliment every person in this room for the work you are doing
 - You have come here today to discuss these really important topics
 - You should be very proud of the transformation of this board
 - I have a unique role with this board. Thank you Penny.

- Financial Planning
 - Price out what each function costs you today and what it will cost in your preferred future
 - If you do not ask for new positions in the next budget cycle, you will not get them. Ask for what you need
 - It is important to do it now
 - Look five years into the future

- Relations with the Legislature
 - The Legislature may have the perception that licensing boards “protect their own” rather than “protecting the public
 - The Legislature is in charge
 - the Board must make its needs and opinions known to legislators
 - Universal licensing is a big topic now
 - The Commissioner introduced an alternative bill
 - Boards like this one and others are funded by fees so their operating funds are not under direct control of the Legislature

- Last Words
 - Be open minded
 - Consider worse case scenarios
 - On-boarding of new board members is really critical
 - Thank you

Discussion

- The best defense is a good offense
- The legislature wants to allow providers to come here and work immediately, and that’s good, yet it needs to be balanced with protecting the public.

Closing Comments

- Really excited about topics we discussed, such as transparency and education
- Happy to be part of this
- Great appreciation for board staff
- Always a pleasure working with this group
- Lots of respect for everyone here
- Pleased with the progress we’ve made
- This exceeded expectations
- Thanks for the agenda planning
- Everyone here is very welcoming
- Excited for the next steps
- Relieved and excited
- Thanks to Penny for this opportunity

- This type of gathering helps us excel
- Very hopeful
- Thanks to everyone
- We don't want anyone to lose the trust of this place
- Love to be part of this group
- Hopefully this has been good for new members
- "It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat."
 - Theodore Roosevelt