

COMMONWEALTH OF MASSACHUSETTS

NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION IN DENTISTRY

December 3, 2014
239 Causeway Street ~ Room 417 A&B
Boston, Massachusetts 02114

AGENDA

Time	#	Item	Exhibits	Contact
8:30	I	CALL TO ORDER		
8:31	II	DETERMINATION OF QUORUM AND APPROVAL OF AGENDA		
8:32	III	PRESENTATION: DR. MINA PAUL, FORMER BOARD CHAIR Updates on ADEX and PMP	None	
9:02	IV	EXECUTIVE SESSION (Closed to the public) The Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients. Specifically, the Board will discuss and evaluate the Good Moral Character of applicants for licensure.		
10:30	V	M.G.L. c.112, §65C SESSION (closed to the public)		

11:00	VI	COMPLAINT RESOLUTION—PENDING BOARD CASES (Lunch Break 12 Noon – 12:45 p.m.) DEN-2013-0189: Dr. Ching Ju J. Chang DEN-2013-0190: Dr. Bridget Mackey DEN-2013-0191: Dr. Omar Banday DEN-2013-0192: Dr. Norman Lee DEN-2013-0193: Dr. John Govostes DEN-2013-0194: Dr. Ghyath Alkhalil DEN-2013-1095: Eva DeCarton, RDH DEN-2013-0196: Irina Lozovsky, RDH DEN-2013-0197: Connie Lau, RDH SA-INV-5933; Dr. Daniel Varallo DEN-2014-0018: Dr. William Papadopoulos DEN-2014-0024: Michelle MacDonald, RDH DEN-2014-0025: Dr. Moftah El-Ghadi DEN-2014-0026: Dr. Kevin Quinn DEN-2014-0103: Christine Fraga, RDH DEN-2014-0102: Dr. Solveig Woychuk	Memos, Investigation Reports	L. Seeley- Murphy, K. O'Connell, S. Millar, E. Mulligan
12:00		LUNCH BREAK		
1:15	VII	PROBATION MATTERS DEN-2012-0100: Dr. Steven Lazar: Petition for Reinstatement DEN-2009-0111: Carine Duval, RDH: Petition for Early Termination DEN-2011-0013: Dr. Raffi Merjik: Update	Memos	K. Fishman
1:45	VIII	ADMINISTRATIVE MATTERS Board Officers Election Discussion Licensee Email Addresses Levying Fines for Regulatory Violations January/February Meeting Schedule January 21 Regulation Workgroup Meeting Limited License Issues: Number of Licenses Issued November 5 - December 2 Dr. Mohamed Magdi Hassan Dr. Raquel Villar Dental Assistant License Issues: Number of Licences Issued November 5 - December 2 Radiation Certification Issues Occupational School Issues Yankee Dental Congress—BORID Update 2015 Random CEU Audits	Memos	B.Young, J. Mills
2:40	IX	REVIEW OF GENERAL SESSION MINUTES Meeting of September 17, 2014 Meeting of October 1, 2014	Minutes	
2:50	X	FLEX SESSION		
3:00	XI	ADJOURNMENT		

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417
GENERAL SESSION MINUTES
December 3, 2014

Present: Dr. Cynthia Stevens, Board Chair; Ms. Lois Sobel, RDH, Board Secretary; Dr. Stephen DuLong; Dr. John Hsu; Dr. Ward Cromer; Dr. David Samuels; Ms. Kathleen Held, Ms. Jacyn Stultz, Ms. Ailish Wilkie, Dr. Milton Glicksman and Ms. Diane Grondin.

Absent: Dr. Keith Batchelder

Ms. Ailish Wilkie arrived at 8:38 a.m.

Ms. Diane Grondin arrived at 9:04 a.m.

Dr. Milton Glicksman arrived at 9:05 a.m.

Staff Present: Barbara A. Young, Executive Director; Jeffrey Mills, Assistant Executive Director; Samuel Leadholm, Esq., Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; OPP Investigators Sarah Millar, Eileen Mulligan, Kathleen O'Connell, Lisa Seeley-Murphy and Barbara Yates; and Probation Monitor Karen Fishman

Motion: **At 8:33 a.m., to commence the meeting.**

Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

Vote: Unanimous

Motion: **To adopt the proposed agenda for today's meeting.**

Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

Vote: Unanimous

Administrative Matters:

A. Prescription Monitoring Program – Dr. Mina Paul

Dr. Paul, the Board-designated member of the PMP task group, updated the Board on the current status of the PMP explaining a licensee will automatically be enrolled in the PMP when he/she renews their Mass. Controlled Substance Registration (MCSR) and that the program currently applies to physicians, dentists and podiatrists. Dr. Paul stated the goal is for all dentists to refer to the PMP at the first appointment with a patient and the guidelines for the PMP do not exclude pediatric dentists or emergency room physicians; this results in a problem for some licensees as it takes approx. 7 mins. to run a PMP on a patient. Dr. Paul noted that amendments have been filed to permit licensees to rely on their discretion on whether to run a PMP on a patient. Once a licensee is registered, compliance with the PMP will be tracked by the DPH Division of Health Care Quality (HCQ) but regulations are currently being drafted that have yet to be submitted to the Public Health Council.

Dr. Paul noted the use of the PMP may result in an increase in the no. of inappropriate prescriptions written for patients. Questions as to what CEUs will be required for prescribing licensees regarding prescription practices and questions as to licensees delegating authority to their staff to run a PMP have yet to be answered. Dr. Paul noted any delegated staff person will not receive their own PMP registration no. but rather the delegated staff person would run a PMP under the licensee's registration no. HCQ is agreeable to permitting a licensee to designate 2 staff persons as delegates for PMP purposes. Finally Dr. Paul noted no future task group meetings have been scheduled.

Ms. Stultz asked if the goal was to run a PMP on all new patients; Dr. Paul said yes explaining a new patient is defined as a patient who has not been a patient of record for the preceding 12 months. Dr. Hsu asked if there was an age limit on patients; Dr. Paul replied no.

Ms. Wilkie reminded the Board she is the Board-designated member of the Norfolk County drug task force and stated an overdose death is assumed if narcotics are found at the scene of the death. Further, Ms. Wilkie noted research indicates dentists account for approx. 12% or all prescriptions written for narcotics and the largest group of patients receiving prescriptions for narcotics are those patients having their 3rd molars extracted. Dr. Hsu asked if the task group has determined what is overprescribing; Dr. Paul replied that the proposed regulations do not include a definition of overprescribing. Dr. Paul also informed the Board that PMP results are not tracked nationally and other states are currently reviewing their prescription monitoring practices.

B. ADEX – Dr. Mina Paul

Dr. Paul reported the ADEX exam is now accepted in 49 states. Proposed changes for 2016 include changing the grading process to pass/fail noting the current standard for a passing grade is a score of 75 or higher. Further, Dr. Paul noted the criteria for determining a passing grade is also being changed to pass/fail.

Dr. DuLong noted he is the educational representative for District 10 (Maine, New Hampshire, Massachusetts and Vermont). Dr. DuLong noted that if the current patient-based exam changes, then the Board will need to incorporate these changes in its regulations. Dr. DuLong stated a pilot exam will be done every 3-4 weeks at rotating schools and the exam

patients will be patients of record for the applicable school. ADEX is trying to encourage faculty members at each school to become ADEX examiners.

Ms. Wilkie asked if the students would take parts of the exam throughout the year; Dr. Paul stated yes as part of the test will be on mannequins, usually in the fall, with clinical exams being scheduled for the spring. If a student fails any section, the idea is for the student to retake that portion during the summer. Dr. DuLong asked if the restorative section requires proficiency on three types of procedures, will the student be permitted to do so over the course of several treatment days; Dr. Paul replied it is still contemplated a student will complete all required restorative procedures in one clinical day.

Dr. Paul noted PGY1 legislation will likely be refiled at the statehouse and that members of the American Assoc. of Dental Students are doing a white paper/survey on the subject. Dr. Paul also informed the Board that Jamaica and So. Korea now offer the ADEX exam and foreign examiners are being offered the opportunity to participate in ADEX exams in the US. Dr. DuLong noted evolutionary changes within the exam are underway, such as how a student should handle a pulp exposure during a restorative procedure.

At 9:09 a.m., Dr. Stevens announced that the Board will meet in closed session as authorized pursuant to M.G.L. c. 30A, §21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual to be immediately followed by a M.G.L. c.112, §65C closed session. Specifically, the Board will meet in Executive Session and will discuss and evaluate the Good Moral Character as required for registration of pending applicant(s) for licensure. Additionally, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients. The Board will also approve prior Executive Session minutes in accordance with M.G.L. c. 30A, §22(f). Executive Session is closed to members of the public, except as provided for in M.G.L. c. 30A, §21(a) (1). At the conclusion of the Executive Session and the §65C session, the Board will return to the general session.

Motion: At 9:10 a.m., to enter Executive Session pursuant to M.G.L. c. 30A, §21(a)(1)

Motion Made By: Dr. Stephen DuLong

Second: Ms. Lois Sobel

Vote:
In Favor: Dr. Stephen DuLong; Ms. Lois Sobel; Dr. Milton Glicksman; Ms. Jacyn Stultz; Ms. Kathleen Held; Dr. John Hsu; Dr. Ward Cromer; Ms. Ailish Wilkie
Opposed: None
Abstain: Dr. Cynthia Stevens; Dr. David Samuels

Motion: At 10:23 a.m., to leave Executive Session
Motion Made By: Ms. Lois Sobel
Second: Dr. Stephen DuLong
Vote: **In Favor:** Dr. Stephen DuLong; Ms. Lois Sobel; Dr. Milton Glicksman; Ms. Jacyn Stultz; Ms. Kathleen Held; Dr. John Hsu; Dr. Ward Cromer; Ms. Ailish Wilkie; Dr. David Samuels
Opposed: None
Abstain: Dr. Cynthia Stevens

Motion: At 10:25 a.m., to Enter M.G.L. c. 112, §65C Session
Motion Made By: Ms. Lois Sobel
Second: Dr. John Hsu
Vote: **In Favor:** Dr. Stephen DuLong; Ms. Lois Sobel; Dr. Milton Glicksman; Ms. Jacyn Stultz; Ms. Kathleen Held; Dr. John Hsu; Dr. Ward Cromer; Ms. Ailish Wilkie; Dr. David Samuels
Opposed: None
Abstain: Dr. Cynthia Stevens

The Board took its morning recess at 10:26 a.m. and resumed at 10:34 a.m.

Motion: At 10:49 a.m., to leave M.G.L. c. 112, §65C Session
Motion Made By: Ms. Lois Sobel
Second: Dr. Stephen DuLong
Vote: **In Favor:** Dr. Stephen DuLong; Ms. Lois Sobel; Dr. Milton Glicksman; Ms. Jacyn Stultz; Ms. Kathleen Held; Dr. John Hsu; Dr. Ward Cromer; Ms. Ailish Wilkie; Dr. David Samuels
Opposed: None
Abstain: Dr. Cynthia Stevens

The Board recessed for lunch at 12:00 p.m. and resumed at 12:55 p.m.

Administrative Matters (continued):

**C. Request for Consideration of a Limited License Dental Intern License Reapplication
– Dr. Mohamed Magdi Hassan**

Dr. Mohamed Magdi Hassan was present for the hearing and vote of the Board on his request answering all questions as appropriate.

Ms. Young informed the Board it had received a limited license licensure reapplication from Dr. Hassan and that Dr. Hassan had received the maximum of 5 limited licenses and was now required to complete the NERB clinical competency exam in order to reapply for a limited license for the 6th time. Ms. Young informed the Board Dr. Hassan is scheduled to take the NERB Clinical Exam in February 2015 and was seeking permission from the Board to submit his passing scores from the Florida state clinical competency exam in lieu of a passing score on the NERB Clinical Exam.

Dr. DuLong asked Dr. Hassan why he couldn't take the exam in Aug. 2015; Dr. Hassan replied he was not aware an exam was offered in Aug. 2015. Dr. Hsu asked Dr. Hassan why he couldn't return to Florida; Dr. Hassan replied his wife was enrolled in a PhD program at BU.

Motion: **To Approve Dr. Hassan's Limited License Dental Intern License Application for one-time-only for one year at only two locations (HHC/Tufts)**

Motion Made By: Dr. David Samuels

Second: Dr. Milton Glicksman

Vote: **In Favor:** Dr. John Hsu; Ms. Kathleen Held
Opposed: Dr. Stephen DuLong; Ms. Lois Sobel; Dr. Milton Glicksman; Ms. Jacyn Stultz; Dr. Ward Cromer; Ms. Ailish Wilkie; Dr. David Samuels
Abstain: Dr. Cynthia Stevens

Motion Failed

Motion: **To Accept Dr. Hassan's Passing Score on his Florida Clinical Exam in Lieu of a Passing Score on the NERB Clinical Exam and To Renew His Limited Licenses Indefinitely Upon Submission of a Yearly Application**

Motion Made By: Dr. Milton Glicksman

Second: Ms. Ailish Wilkie

Vote: **In Favor:** Dr. Stephen DuLong; Ms. Lois Sobel; Dr. Milton Glicksman; Ms. Jacyn Stultz; Ms. Kathleen Held; Dr. John Hsu; Dr. Ward Cromer; Ms. Ailish Wilkie; Dr. David Samuels
Opposed: None
Abstain: Dr. Cynthia Stevens

D. Board Elections

Ms. Young asked if the Board intended to hold elections today to take effect at the next meeting in January or to hold the elections at the January meeting. Dr. Samuels suggest the Board hold the elections for the next Board Chair and Board Secretary today. Board members agreed to hold the elections today with the positions to take effect immediately after the conclusion of today's meeting.

Motion: **To Hold Board Elections for Board Chair and Board Secretary today**

Motion Made By: Dr. David Samuels

Second: Dr. Milton Glicksman

Vote: **In Favor:** Dr. Stephen DuLong; Ms. Lois Sobel;
Dr. Milton Glicksman; Ms. Jacyn Stultz; Ms. Kathleen Held;
Dr. John Hsu; Dr. Ward Cromer; Ms. Ailish Wilkie;
Dr. David Samuels
Opposed: None
Abstain: Dr. Cynthia Stevens

Before holding the elections, some Board members opted to make a statement regarding their positions on Board goals, policies, etc. Dr. Hsu stated he wanted the new Board Chair to be transparent especially considering a recent Boston Globe article that did not cast board actions in a favorable light. Dr. Hsu stated the Board Chair needed to be more open in sharing information with his/her fellow board members. Ms. Stultz suggested a term limit of one year be instituted by the Board; Dr. Hsu agreed but Dr. DuLong felt that was not necessary. Dr. Hsu stated the board needed to be very vigilant in making sure one group does not control the board.

Ms. Lois Sobel nominated Dr. Cynthia Stevens for Board Chair.

Dr. Ward Cromer nominated Dr. David Samuels for Board Chair.

Dr. Glicksman asked each candidate to make a statement on their intentions for the Board should they win the election; all candidates agreed.

Dr. Stevens stated she was pleased by the direction the Board was taking and felt it had become more inclusive but reminded the Board it needed to remain focused on protecting the public. Dr. Samuels stated he had two main reasons why he felt qualified to serve as Board Chair: 1) prior meetings were not run as efficiently as they could be and 2) he agreed that the Board needed to become more inclusive and transparent especially to the dental community. Dr. Samuels stated as former president of the Mass. Dental Society he felt he would be a better candidate for Board Chair as he has a good working relationship and is known by members of the dental community. Dr. Samuels indicated he plans on attending more MDS district meetings if elected Board Chair.

Ms. Young and Mr. Mills passed out ballots to the Board members for Board Chair and announced the results:

Dr. Cynthia Stevens:	Dr. Cynthia Stevens; Ms. Lois Sobel; Dr. John Hsu (3 votes)
Dr. David Samuels:	Ms. Kathleen Held; Dr. Ward Cromer; Dr. David Samuels; Dr. Stephen DuLong; Ms. Ailish Wilkie; Ms. Jacyn Stultz; Dr. Milton Glicksman (7 votes)

Dr. Milton Glicksman nominated Ms. Ailish Wilkie for Board Secretary.

Ms. Jacyn Stultz nominated Ms. Lois Sobel for Board Secretary.

Ms. Sobel stated she enjoyed being the Board Secretary esp. since this was the first time a dental hygienist had been elected an officer of the Board. Ms. Sobel said she agreed with Dr. Samuels's intention to go out more often into the community and felt she had a good perspective on what's important to the dental community citing her years of experience and level of professionalism.

Ms. Wilkie noted her professional accomplishments in patient safety and if elected an officer of the Board, a strong message would be sent to the dental community about the Board's commitment to improving patient safety. Ms. Wilkie also noted she is aware of what occurred in the past and what is going on currently in the dental community emphasizing the dental community should not fear the Board.

Ms. Young and Mr. Mills passed out ballots to the Board members for Board Secretary and announced the results:

Ms. Ailish Wilkie:	Dr. Stephen DuLong; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Kathleen Held; Ms. Ailish Wilkie; Dr. Milton Glicksman (6 votes)
Ms. Lois Sobel:	Ms. Lois Sobel; Dr. Ward Cromer; Dr. John Hsu; Ms. Jacyn Stultz (4 votes)

Dr. John Hsu left the meeting for the day at 1:43 p.m.

E. Licensee Email Addresses

Dr. Glicksman asked if the Board should start requiring all licensees to provide their email addresses to expedite communication with licensees. Atty. Leadholm advised the Board it could only do so now through an advisory ruling/policy or as part of the regulatory review process. Dr. Samuels asked why the interest; Dr. Glicksman replied he is concerned too much

information is not reaching the licensees and it is too expensive to do a mass mailing to all licensees. Ms. Stultz noted that even if a licensee moves, it is likely they will keep the same email address. Ms. Wilkie asked if board staff has the ability to send a blast email. Ms. Young stated she will confer with the IT staff and provide an update to the Board at its January meeting.

F. Levying Fines for Regulatory Violations

Ms. Young informed the Board she has asked an intern to gather information from other states on whether they assess monetary fines for regulatory violations and if so, for what infractions and in what amounts. Ms. Wilkie noted this information may already be gathered by the AADB. Dr. DuLong noted Maryland does not levy fines but rather requires licensees to provide pro bono services.

Dr. Glicksman asked Ms. Young to determine, if possible, where the monies would be sent if received from a licensee, i.e. the general fund or to the Board/DPH. Dr. Cromer suggested fining licensees could result in changed behavior and could be used to finance the Board's efforts. Dr. Samuels noted the Board needed to be cautious esp. when considering a possible conflict of interest.

G. January/February 2015 Meeting Schedule

Ms. Young noted the Board was scheduled to meet on January 7th and February 4th but suggested the Board revisit those dates due to a history of inclement weather in January and February. The Board voted to cancel the January 7th and February 4th meetings and to reschedule them for January 28th, February 25th and March 4th.

H. Regulatory Review Workgroup

Ms. Young noted the regulatory review workgroup is scheduled to hold its first meeting on January 21, 2015.

Ms. Young informed the Board Dr. David Lustbader, Dr. Thomas Trowbridge, Dr. Todd Rowe and Dr. Simon Bernstein agreed to participate in the workgroup. Board members suggested Ms. Young contact Dr. Lisa Giorusso, an orthodontist, and Dr. Bob Mandell, a periodontist, to see if they'd be interesting in joining the workgroup.

I. Reapplication for Limited License Dental Intern License – Dr. Raquel Villar

Mr. Mills informed the Board Dr. Villar had submitted a reapplication for a limited license. In her application, Dr. Villar noted the California dental board revoked her California license as it had been issued erroneously.

Motion: **To Approve Dr. Raquel Villar's Reapplication for a Limited License Dental Intern License**

Motion Made By: Dr. Milton Glicksman

Second: Dr. Stephen DuLong

Vote: **In Favor:** Dr. Stephen DuLong; Ms. Lois Sobel;
Dr. Milton Glicksman; Ms. Jacyn Stultz; Ms. Kathleen Held;
Dr. John Hsu; Dr. Ward Cromer; Ms. Ailish Wilkie;
Opposed: None
Absent: Dr. David Samuels
Abstain: Dr. Cynthia Stevens

J. Limited Licensure Report

Ms. Young submitted her report indicating the no. of limited licensees issued between 11/5/14 and 12/2/14.

K. Dental Assistant Licensure Report and Update

Ms. Young submitted her report indicating the no. of dental assistant licenses issued between 11/5/14 and 12/2/14.

Ms. Young informed the Board she would be sending a blast email to all dentists and hygienists in early December reminding them to have their dental assistants submit an application for licensure by the deadline of December 31, 2014.

Ms. Ellen Factor of the Mass. Dental Society informed the Board the MDS had sent out at least 4 emails to its members as well as a hard copy by mail informing their members of the requirements of dental assistant licensure.

Ms. Young also informed the Board of the ongoing issue with dental assistants not being able to locate copies of their radiation health and safety certificates as well as problems with the content and quality of the curriculum of several occupational schools.

L. Yankee Dental Congress 2015

noted the MDS will soon start organizing the 2016 Yankee Dental Congress and suggested the Board consider manning a booth of its own. Dr. Samuels liked the idea but suggested the Board needs to discuss its public relations outreach with DPH and the MDS.

M. Random CEU Audits

Dr. Glicksman asked if DHPL has sufficient manpower to undertake a random audit of CEU compliance by dentists and hygienists. Ms. Young recalled as a new hygienist the Board was conducting random audits in the early 80's but for an unknown reason that practice stopped. Mr. Mills agreed stating the Board stopped auditing CEU compliance at least 10 yrs. ago. Dr. Cromer noted the psychology board also audited its licensees but did not have sufficient

resources to continue the practice so it asked for board members to volunteer their time for one day; however, Dr. Cromer noted that practice didn't last long either.

N. General Session Minutes of September 17, 2014

Motion: To adopt the General Session Minutes of Sept. 17, 2014, as amended

Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Stephen DuLong;
Ms. Jacyn Stultz; Ms. Kathleen Held; Ms. Lois Sobel;
Dr. Ward Cromer; Dr. John Hsu
Opposed: None
Abstain: Dr. David Samuels; Ms. Ailish Wilkie; Dr. Cynthia Stevens

O. General Session Minutes of October 1, 2014

Ms. Held noted she was incorrectly listed as Kathleen Held, RDH on page 1. Ms. Sobel noted she was incorrectly listed as Lois Wilkie on page 20.

Motion: To adopt the General Session Minutes of Oct 1, 2014, as amended

Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Stephen DuLong;
Ms. Jacyn Stultz; Ms. Kathleen Held; Ms. Lois Sobel;
Dr. David Samuels; Ms. Ailish Wilkie; Dr. John Hsu
Opposed: None
Abstain: Dr. Cynthia Stevens; Dr. Ward Cromer

P. Flex Session

1. Boston Globe article on Saturday, Nov. 29th regarding health licensing boards and quorum issues. Board members were concerned about a negative article published in the Boston Globe on Nov. 29th regarding multiple occasions where board meetings were held without complying with its statutory quorum requirements. Ms. Young informed the Board DHPL is aware of the article and is researching the issue.

2. Discussion regarding application from Dr. Campos-Therriault. Atty. Leadholm advised the Board that it may not discuss this matter as Dr. Campos-Therriault has not been notified and the item has not been included in the agenda as required pursuant to the Open Meeting Law. The Board deferred this matter to its next meeting in January.

3. Massachusetts Dental Assistants Association – Ms. Claudia Gauthier

Ms. Gauthier thanked the Board for all of its work on the new dental assistant regulations and announced the MDAA's website is being revamped and should be up and running in January. Ms. Gauthier noted that many dental assisting instructors are also licensed dental hygienists and asked if those instructors would also need a dental assistant license; the Board replied no. Ms. Gauthier informed the Board the MDAA will provide referrals to interested dental assistants who need to take or retake a radiation health and safety course as the MDAA is tracking the availability of these courses.

4. Yankee Dental Congress 2015

Ms. Wilkie asked Ms. Young if she could provide an update on the no. of investigations/complaints heard by the Board as she'd like to provide that information to the attendees at the BORID update class at Yankee. Atty. Leadholm advised it would be too laborious to pull a list of actual courses included in all consent agreements but a report could be run to indicate the no. of consent agreements offered to licensees to resolve complaints. Dr. Samuels noted that nearly all complaints heard by the Board involve some sort of infection control issue.

Complaint Resolution—Investigator Eileen Mulligan

--In the Matter of DEN-2014-0102: Dr. Solveig Woychuk

The licensee was not present for the discussion and vote of the Board on this matter.

Allegation: Infection Control Violations

Discussion: Atty. Leadholm advised the Board it could join this case with another case heard by the Board on an earlier date and then offer the licensee a consent agreement for a voluntary surrender.

Dr. Glicksman asked if the licensee cannot be licensed in the US due to the suspension of her license but can she be licensed in Canada; Mr. Mills informed the Board Canada will likely ask for a letter of good standing if the licensee seeks licensure in Canada.

Motion: To join both pending complaints and to offer a Consent Agreement for a Voluntary Surrender.

If this agreement is not accepted by Licensee, the matter will be referred to Prosecution.

Motion Made By: Dr. David Samuels

Second: Dr. Ward Cromer

Vote: Unanimous

Complaint Resolution—Investigator Eileen Mulligan

--In the Matter of DEN-2014-0103: Christine C. Fraga, RDH

The licensee was present for the discussion and vote of the Board on this matter.

Allegation: Infection Control Violations

Discussion: Investigator Mulligan informed the Board this licensee was employed by Dr. Solveig Woychuk.

Motion: To dismiss the complaint without prejudice as no evidence of violation found.

Motion Made By: Dr. David Samuels

Second: Ms. Jacyn Stultz

Vote: Unanimous

Complaint Resolution—Investigator Lisa Seeley-Murphy

--In the Matter of DEN-2013-0189: Dr. Ching Ju J Chang

The licensee and Vincent Dunn, Esq. were present for the discussion and vote of the Board on this matter. Atty. Dunn recorded the hearing on behalf of his client.

Allegation: Infection Control Violations

Discussion: Dr. Samuels asked if the licensee was only missing the pain management course; Ms. Seeley-Murphy said yes.

Motion: To offer a Consent Agreement for Stayed Probation for 3 Months to include the following remedial coursework:

- 3 Hours: Infection Control
- 3 Hours: Pain Management
- Stayed probation period may be terminated early by the licensee upon evidence of the successful completion of the remedial coursework

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Dr. David Samuels

Second: Dr. Milton Glicksman

Discussion (cont'd): Ms. Wilkie stated she had a problem with the lack of spore testing. Dr. Samuels noted the licensee was conducting spore testing but just not consistently.

Amended Motion: To offer a Consent Agreement for Probation for 3 Months to include the following remedial coursework:

- 3 Hours: Infection Control
- 3 Hours: Pain Management

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Lois Sobel

Discussion (cont'd): Dr. Hsu asked why probation instead of stayed probation. The licensee stated he takes full responsibility for the lack of consistent spore testing and that he has since fixed the problem apologizing to the Board.

Vote: **In Favor:** Dr. Stephen DuLong; Dr. Ward Cromer; Dr. John Hsu; Ms. Ailish Wilkie; Ms. Kathleen Held; Ms. Lois Sobel; Ms. Jacyn Stultz

Opposed: Dr. Milton Glicksman; Dr. David Samuels

Abstain: Dr. Cynthia Stevens

Complaint Resolution—Investigator Lisa Seeley-Murphy

--In the Matter of DEN-2013-0190: Dr. Bridget Mackey

The licensee and Vincent Dunn, Esq. were present for the discussion and vote of the Board on this matter. Atty. Dunn recorded the hearing on behalf of his client.

Allegation: Infection Control Violations

Motion: **To offer a Consent Agreement for Probation for 3 Months to include the following remedial coursework:**

- **3 Hours: Infection Control**

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Discussion: Atty. Leadholm advised the Board is should consider what steps the licensee has taken to remediate the issue. Ms. Stultz suggested the licensee be required to take a live 3-hour infection control course.

Atty. Dunn informed the Board the licensee could not find her certificate for an infection control course she completed and noted the Board generally offers an associate dentist stayed probation.

The licensee stated she started at this practice in Nov. 2012 and admitted responsibility for not confirming spore testing was being conducted weekly. Dr. DuLong noted the Board generally holds the practice owner to a higher standard than an associate dentist.

Amended Motion: **To offer a Consent Agreement for Stayed Probation for 3 Months to include the following remedial coursework:**

- **3 Hours: Infection Control (live course only)**

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Dr. David Samuels

Second: Dr. Milton Glicksman

Discussion (cont'd): Ms. Stultz asked the licensee if she had discussed infection control protocols with the practice owner; the licensee stated she did not. Dr. Glicksman noted the board should differentiate responsibility as to the practice owner and associate dentists. Dr. Stevens noted the Board needs to be consistent in resolving these complaints.

Vote: **In Favor:** Dr. Milton Glicksman; Ms. Kathleen Held; Dr. David Samuels; Dr. Ward Cromer; Dr. John Hsu; Dr. Stephen DuLong; Ms. Jacyn Stultz
Opposed: Ms. Lois Sobel; Ms. Ailish Wilkie
Abstain: Dr. Cynthia Stevens

Complaint Resolution—Investigator Lisa Seeley-Murphy

--In the Matter of DEN-2013-0191: Dr. Ozair Banday

Toby Bright, Esq. was present on behalf of the licensee for the discussion and vote of the Board on this matter and recorded the hearing.

Allegation: Infection Control Violations

Motion: **To offer a Consent Agreement for Stayed Probation for 3 Months to include the following remedial coursework:**
• **3 Hours: Infection Control (live course only)**

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Dr. Stephen DuLong

Second: Ms. Lois Sobel

Discussion: Dr. Samuels noted the licensee only worked at this group practice for one month before an inspection was conducted; further Dr. Samuels noted the licensee started working in July and left the practice in October.

Vote: **In Favor:** Ms. Lois Sobel; Dr. Stephen DuLong; Dr. John Hsu; Ms. Kathleen Held
Opposed: Dr. Ward Cromer; Dr. David Samuels; Ms. Jacyn Stultz; Dr. Milton Glicksman; Ms. Ailish Wilkie
Abstain: Dr. Cynthia Stevens

Motion Failed

Motion: To dismiss complaint without prejudice due to insufficient evidence of a violation.

Motion Made By: Dr. David Samuels

Second: Dr. Milton Glicksman

Vote: **In Favor:** Dr. Stephen DuLong; Dr. David Samuels;
Ms. Jacyn Stultz; Dr. Milton Glicksman; Dr. Ward Cromer;
Ms. Kathleen Held
Opposed: Ms. Lois Sobel
Abstain: Dr. Cynthia Stevens, Ms. Ailish Wilkie; Dr. John Hsu

Complaint Resolution—Investigator Lisa Seeley-Murphy

--In the Matter of DEN-2013-0192: Dr. Norman E. Lee

Toby Bright, Esq. was present on behalf of the licensee for the discussion and vote of the Board on this matter and recorded the hearing.

Allegation: Infection Control Violations

Motion: To offer a Consent Agreement for Stayed Probation for 3 Months to include the following remedial coursework:
• 3 Hours: Infection Control (live course only)

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Dr. David Samuels

Second: None

Discussion: Atty. Leadholm asked when this licensee joined the practice; Ms. Seeley-Murphy replied the licensee joined the practice in Oct. 2013 after a permit application had been submitted.

Dr. Samuels stated he withdrew his original motion.

Motion: To dismiss complaint without prejudice due to insufficient evidence of a violation.

Motion Made By: Dr. David Samuels

Second: Dr. Milton Glicksman

Vote: Unanimous

Complaint Resolution—Investigator Lisa Seeley-Murphy

--In the Matter of DEN-2013-0193: Dr. John N. Govostes

The licensee and Vincent Dunn, Esq. were present for the discussion and vote of the Board on this matter. Atty. Dunn recorded the hearing.

Allegation: Infection Control Violations

Discussion: After the presentation by Investigator Seeley-Murphy, the Board opted not to discuss the matter.

Motion: **To offer a Consent Agreement for Stayed Probation for 3 Months to include the following remedial coursework:**

- **3 Hours: Infection Control (live course only)**

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Dr. David Samuels

Second: Ms. Lois Sobel

Vote: **In Favor:** Dr. Milton Glicksman; Ms. Kathleen Held; Dr. David Samuels; Dr. Ward Cromer; Dr. John Hsu; Dr. Stephen DuLong; Ms. Jacyn Stultz; Ms. Lois Sobel
Opposed: None
Abstain: Dr. Cynthia Stevens; Ms. Ailish Wilkie

Complaint Resolution—Investigator Lisa Seeley-Murphy

--In the Matter of DEN-2013-0194: Dr. Ghyath S. Alkhalil

The licensee and Toby Bright, Esq. were present for the discussion and vote of the Board on this matter. Atty. Bright recorded the hearing.

Allegation: Infection Control Violations

Discussion: After the presentation by Investigator Seeley-Murphy, the Board opted not to discuss the matter.

Motion: To offer a Consent Agreement for Stayed Probation for 3 Months to include the following remedial coursework:

- 3 Hours: Infection Control (live course only)

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Dr. David Samuels

Second: Dr. Milton Glicksman

Vote: **In Favor:** Dr. Milton Glicksman; Ms. Kathleen Held; Dr. David Samuels; Dr. Ward Cromer; Dr. John Hsu; Dr. Stephen DuLong; Ms. Jacyn Stultz; Ms. Lois Sobel
Opposed: None
Abstain: Dr. Cynthia Stevens; Ms. Ailish Wilkie

Complaint Resolution—Investigator Lisa Seeley-Murphy

--In the Matter of DEN-2013-0195: Eva T. Decarton, RDH

Toby Bright, Esq. was present on behalf of the licensee for the discussion and vote of the Board on this matter. Atty. Bright recorded the hearing.

Allegation: Infection Control Violations

Discussion: Investigator Seeley-Murphy informed the Board this licensee was considered the clinical director of the practice per statements made by the licensee and practice owner.

Motion: To offer a Consent Agreement for Probation for 3 Months to include the following remedial coursework:

- 3 Hours: Infection Control (live course only)

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Dr. David Samuels

Second: Dr. Stephen DuLong

Discussion: Ms. Seeley-Murphy noted there was an issue with the licensee's infection control continuing education certificate. Ms. Stultz noted both say it was submitted by defense counsel. Atty. Bright stated he was not aware of the issue as this was the first time he saw the certificate but he did believe the licensee had completed the infection control course. Atty. Dunn noted the certificate may have been completed by the course instructor. Ms. Sobel noted this was not possible as the instructor's verification section is blank. Atty. Dunn stated he did not know who completed the certificate. Dr. Hsu noted this licensee was a hygienist but Dr. Glicksman noted the licensee was listed as the clinical director.

Vote: **In Favor:** Dr. Milton Glicksman; Ms. Kathleen Held; Dr. David Samuels; Dr. Ward Cromer; Dr. Stephen DuLong; Ms. Jacyn Stultz; Ms. Ailish Wilkie; Ms. Lois Sobel
Opposed: Dr. John Hsu
Abstain: Dr. Cynthia Stevens

Complaint Resolution—Investigator Lisa Seeley-Murphy

--In the Matter of DEN-2013-0196: Irina M. Lozovsky, RDH

The licensee and Toby Bright, Esq. were present for the discussion and vote of the Board on this matter. Atty. Bright recorded the hearing.

Allegation: Infection Control Violations

Discussion: After the presentation by Investigator Seeley-Murphy, the Board opted not to discuss the matter.

Motion: **To offer a Consent Agreement for Stayed Probation for 3 Months to include the following remedial coursework:**

- **3 Hours: Infection Control (live course only)**

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Dr. David Samuels

Second: Ms. Jacyn Stultz

Vote: **In Favor:** Dr. Milton Glicksman; Ms. Kathleen Held; Dr. David Samuels; Dr. Ward Cromer; Dr. John Hsu; Dr. Stephen DuLong; Ms. Jacyn Stultz; Ms. Lois Sobel
Opposed: None
Abstain: Dr. Cynthia Stevens; Ms. Ailish Wilkie

Complaint Resolution—Investigator Lisa Seeley-Murphy

--In the Matter of DEN-2013-0197: Connie Y. Lau, RDH

The licensee was present for the discussion and vote of the Board on this matter. The licensee answered all questions as appropriate.

Allegation: Infection Control Violations

Discussion: Investigator Seeley-Murphy informed the Board this licensee was listed as the clinical manager of the group practice.

Dr. Glicksman asked the licensee if she was responsible for handling the weekly spores testing; the licensee said yes.

Motion: **To offer a Consent Agreement for Probation for 3 Months to include the following remedial coursework:**

- **3 Hours: Infection Control (live course only)**

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Dr. David Samuels

Second: Dr. Milton Glicksman

Discussion (cont'd): Dr. Hsu noted the licensee is taking responsibility but she is a hygienist and stated a hygienist should not be the dental director.

Dr. Glicksman noted the licensee is not the dental director, just the clinical director.

Ms. Young asked the licensee if she discussed infection control protocols with the practice owner; the licensee said no.

Ms. Stultz asked the licensee if her responsibilities included acting as the clinical manager; the licensee said yes as of now. Ms. Stultz asked the licensee if there was any written description of her job responsibilities; the licensee said no.

Atty. Bright noted the practice was disorganized as to which licensee held the ultimate responsibility but since this issue arose, the licensee is now primarily responsible. Dr. Samuels suggested spore testing responsibilities should be assigned to a specific person and that person should be held to a higher standard. Dr. Hsu disagreed stating an associate dentist should be held equally responsible but Dr. Glicksman disagreed with this statement.

Dr. Samuels asked the licensee if there were differences between her and Ms. Decarton as to their responsibilities; the licensee stated Ms. Decarton was her superior and she did what Ms. Decarton instructed her to do. The licensee stated a dental assistant was responsible for conducting the spore testing. Dr. Samuels asked the licensee if she was then responsible for checking the results and recording the results; the licensee said yes.

Vote: **In Favor:** Dr. Milton Glicksman; Ms. Kathleen Held;
Dr. David Samuels; Dr. Stephen DuLong; Ms. Jacyn Stultz;
Ms. Ailish Wilkie; Ms. Lois Sobel
Opposed: Dr. Ward Cromer; Dr. John Hsu; Dr. Cynthia Stevens
Abstain: None

Complaint Resolution—Investigator Lisa Seeley-Murphy

--In the Matter of SA-INV-5933: Dr. Daniel C. Varallo

The licensee was not present for the discussion and vote of the Board on this matter.

Allegation: Unable to Obtain Patient Records

Discussion: After the presentation by Investigator Seeley-Murphy, the Board opted not to discuss the matter.

Motion: **To not open a complaint but to issue an advisory letter on the regulations regarding the release of patient records.**

Motion Made By: Dr. David Samuels

Second: Dr. Ward Cromer

Vote: Unanimous

Complaint Resolution—Investigator Sarah Millar

--In the Matter of DEN-2014-0024: Michelle McDonald, RDH

The licensee was not present for the discussion and vote of the Board on this matter.

Dr. Milton Glicksman recused himself from the discussion and vote of the Board on Complaint DEN-2014-0024: Michelle McDonald, RDH.

- Allegation:** Practicing on an Expired License
- Discussion:** After the presentation by Investigator Millar, the Board opted not to discuss the matter.
- Motion:** **To offer a Consent Agreement for a Reprimand with a clause included that states the infection control course taken by the licensee in January 2014 only counts for the previous licensure cycle.**
- If this agreement is not accepted by the licensee, the matter will be referred to prosecution.**
- Motion Made By:** Ms. Ailish Wilkie
- Second:** Dr. John Hsu
- Vote:** Unanimous

Complaint Resolution—Investigator Sarah Millar

--In the Matter of DEN-2014-0025: Dr. Moftah El-Ghadi

The licensee was not present for the discussion and vote of the Board on this matter.

Dr. Milton Glicksman recused himself from the discussion and vote of the Board on Complaint DEN-2014-0025: Dr. Moftah El-Ghadi.

- Allegation:** Employing an Unlicensed Dental Hygienist
- Discussion:** Investigator Millar informed the Board this licensee is the dental employer of Michelle McDonald, RDH and the licensee was deficient in some CEUs.

Motion: To offer a Consent Agreement for Stayed Probation for 3 Months to include any deficient CEUs and the following remedial coursework:

- 3 Hours: Risk Management
- The infection control course taken by the licensee will only apply to the previous licensure cycle.

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Lois Sobel

Vote: Unanimous

Complaint Resolution—Investigator Sarah Millar

--In the Matter of DEN-2014-0026: Dr. Kevin W. Quinn

The licensee was not present for the discussion and vote of the Board on this matter.

Dr. Milton Glicksman recused himself from the discussion and vote of the Board on Complaint DEN-2014-0026: Dr. Kevin W. Quinn.

Allegation: Employing an Unlicensed Dental Hygienist

Discussion: Investigator Millar informed the Board this licensee is the dental co-employer of Michelle McDonald, RDH and the licensee was deficient in numerous CEUs.

Dr. Samuels noted this licensee is in a different situation as he is deficient in 26 CEUs.

Motion: To offer a Consent Agreement for Probation for 6 Months to include the completion of any deficient CEUs and the following remedial coursework:

- 3 Hours: Infection Control
- 3 Hours: Pain Management

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Ms. Lois Sobel

Second: None

Discussion (cont'd): Dr. Hsu suggested the licensee be offered stayed probation.

Motion: **To offer a Consent Agreement for Stayed Probation for 1 Year to include the completion of any deficient CEUs and the following remedial coursework:**

- **3 Hours: Risk Management**

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Dr. David Samuels

Second: Ms. Ailish Wilkie

Vote: **In Favor:** Ms. Kathleen Held; Dr. David Samuels; Dr. Ward Cromer; Dr. Stephen DuLong; Ms. Jacyn Stultz; Dr. John Hsu; Ms. Ailish Wilkie
Opposed: None
Abstain: Dr. Cynthia Stevens; Ms. Lois Sobel

Complaint Resolution - Probation Monitor Karen Fishman

--In the Matter of DEN-2014-0018: Dr. Steven Lazar

--Petition for Reinstatement

The licensee and Toby Bright, Esq. were present for the discussion and vote of the Board on this matter. Atty. Bright recorded the hearing.

Discussion: Probation Monitor Fishman informed the Board the licensee's suspension is due to end on January 7, 2015, and the licensee is seeking the Board's approval to reinstate his license.

Motion: **To reinstate the licensee's license to practice dentistry contingent upon the results of an inspection of his practice.**

Motion Made By: Dr. David Samuels

Second: Dr. Milton Glicksman

Vote: Unanimous

Complaint Resolution - Probation Monitor Karen Fishman

--In the Matter of DEN-2009-0111: Carine Duval, RDH

--Petition for Early Termination of Probation

The licensee was not present for the discussion and vote of the Board on this matter.

Discussion: Probation Monitor Fishman informed the Board the licensee's license to practice dental hygiene was reinstated on Sept. 5, 2012, and the licensee was placed on 5 years' probation. Ms. Fishman stated the licensee's probationary period is due to terminate on Aug. 24, 2017, but the licensee is seeking to terminate her probation early.

Ms. Held noted the licensee is also seeking to practice nursing. Ms. Fishman stated the licensee became a nurse while her dental hygiene license was on probation; she earned her nursing degree in July 2014 and was licensed by the nursing board in Aug. 2014. Atty. Leadholm asked if the licensee indicated she is applying for a job but cannot get a job because of her probation; Ms. Fishman stated the licensee did not claim she cannot get a job due to probation but is fearful that will be the case.

Dr. Samuels asked why the licensee was placed on probation for 5 years; Ms. Sobel noted the licensee had disregarded the Board's decisions on two occasions and continued to offer tooth whitening services despite being told not to do so by the Board. Dr. DuLong noted there is nothing to prevent the licensee from working as a nurse.

Motion: **To Deny the Licensee's Request for Early Termination of Probation.**

Motion Made By: Dr. David Samuels

Second: Dr. Ward Cromer

Vote:

In Favor: Dr. David Samuels; Dr. Milton Glicksman;
Ms. Kathleen Held; Ms. Ailish Wilkie; Dr. Ward Cromer;
Ms. Lois Sobel

Opposed:

Abstain: Ms. Jacyn Stultz; Dr. Stephen DuLong; Dr. Cynthia Stevens

Complaint Resolution - Probation Monitor Karen Fishman

--In the Matter of DEN-2011-0013: Dr. Raffi Merjik

--Update on Spore Testing

The licensee was not present for the discussion of the Board on this matter.

Discussion:

Probation Monitor Fishman brought this matter before the Board as an update after the licensee made a previous request to the Board. In Sept. 2014, the licensee requested not to have to fulfill the probation requirement of spore testing because he sold his dental practice in Massachusetts. The Board allowed the request.

Ms. Fishman subsequently learned that the licensee practices at two offices in Rhode Island; the Licensee has agreed to submit spore test results from the Rhode Island office. Therefore, the Consent Agreement does not have to be amended as previously requested.

Motion:

At 3:23 p.m., to Adjourn the Meeting

Motion Made By:

Dr. Stephen DuLong

Second:

Dr. David Samuels

Vote:

In Favor: Ms. Ailish Wilkie; Dr. Stephen DuLong;
Dr. Ward Cromer; Ms. Lois Sobel; Ms. Jacyn Stultz;
Dr. David Samuels; Dr. Milton Glicksman

Opposed: None

Abstain: Dr. Cynthia Stevens

Respectfully submitted,

Ms. Lois Sobel, RDH Board Secretary

Date