

COMMONWEALTH OF MASSACHUSETTS

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

September 2, 2015
239 Causeway Street ~ Room 417 A&B
Boston, Massachusetts 02114

AGENDA

Time	#	Item	Exhibits	Contact
8:30 a.m.	I	CALL TO ORDER		
8:31	II	DETERMINATION OF QUORUM AND APPROVAL OF AGENDA		
8:32	III	UPDATES FROM CHIEF BOARD COUNSEL A- Update on Governor's Executive Order No. 562 B- Update on VALOR Act Policy C- Update to License Status Codes	Memos, Attachments	V. Berg
8:50	IV	GMC LICENSURE REPORT	Memo	B. Young
8:52	V	FLEX SESSION		
9:00	VI	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) and (3) for the purposes 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 an individual, and to discuss strategy with respect to litigation as a public discussion may have a detrimental effect on the Board's position. 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. Specifically, the Board will discuss pending litigation: <i>Commonwealth of Mass., et al. v. Donald Sydor</i> , Suffolk Superior Court, C.A. 2015-00780-F.		
1:00 p.m.	VII	ADJUDICATORY SESSION (closed to the public)		
2:30	VIII	ADJOURNMENT		

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417
GENERAL SESSION MINUTES
September 2, 2015

Present: Dr. David Samuels, Board Chair; Dr. Paul Levy; Dr. Ward Cromer;
Ms. Lois Sobel, RDH; Ms. Kathleen Held; Ms. Jacyn Stultz, RDH; Dr. Stephen DuLong;
Dr. John Hsu; Dr. Keith Batchelder

Absent: Dr. Cynthia Stevens; Ms. Ailish Wilkie, Board Secretary

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

Dr. John Hsu arrived at 8:37 a.m.

Motion: At 8:32 a.m., to commence the meeting.

Motion Made By: Ms. Lois Sobel

Second: Ms. Jacyn Stultz

Vote: Unanimous

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

Motion Made By: Ms. Lois Sobel

Second: Ms. Jacyn Stultz

Vote: Unanimous

Administrative Matters:

A. BORID meeting – September 2015

Dr. Samuels informed the Board a second meeting will not be held in September but rather the October meeting will have a full agenda.

B. Report from Executive Director Barbara A. Young regarding Licensure of Applicants with Good Moral Character Issues

Ms. Young reported the following licensure applications were approved between 6/29/15 and 8/21/15 pursuant to the BORID Policy 14-01:

Mahrya K. Hart	Dental Hygienist	DH88835
Christina LoPresti	Dental Hygienist	DH88894
Cereena Rose	Dental Assistant (FTDA)	DA05035
Suzanne E. Smith	Dental Assistant (OJT)	DA05036
Angela Carrion	Dental Assistant (FTDA)	DA05121
Alison O'Leary	Dental Assistant (FTDA)	DA05212
Amanda Griffith	Dental Assistant (FTDA)	DA05251
Tiffany Tochilnikol	Dental Assistant (FTDA)	DA05489
Lorraine Watson	Dental Assistant (OJT)	DA05529
Judith Knight	Dental Assistant (OJT)	DA05573
Jennifer C. Nadow	Dental Assistant (OJT)	DA05574
Charlotte Bearse	Dental Assistant (OJT)	DA05603
Raineris Vasquez	Dental Assistant (OJT)	DA05607
Sabrina M. Postell	Dental Assistant (OJT)	DA05691
Jessica Butler	Dental Assistant (CA)	DA05692
Uly Houth	Dental Assistant (OJT)	DA05693
Jennifer R. Walker	Dental Assistant (FTDA)	DA05789
Rebecca E. Gage	Dental Assistant (OJT)	DA05790

At 8:38 a.m., Dr. Samuels 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. 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, the Board will return to the general session.

Motion: At 8:39 a.m., to enter Executive Session pursuant to M.G.L. c. 30A, §21(a)(1)

Motion Made By: Dr. Keith Batchelder

Second: Ms. Lois Sobel

Vote: **In Favor:** Dr. David Samuels; Dr. Paul Levy; Dr. Ward Cromer; Ms. Lois Sobel; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Stephen DuLong; Dr. John Hsu; Dr. Keith Batchelder
Opposed: None
Abstain: None

The Board took its morning recess at 9:53 a.m. and resumed the meeting at 9:58 a.m.

Motion: At 12:17 p.m., to leave Executive Session

Motion Made By: Ms. Jacyn Stultz

Second: Dr. Ward Cromer

Vote: **In Favor:** Dr. David Samuels; Dr. Paul Levy; Dr. Ward Cromer; Ms. Lois Sobel; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Stephen DuLong; Dr. John Hsu; Dr. Keith Batchelder
Opposed: None
Abstain: None

The Board recessed for lunch at 12:18 p.m. and resumed the meeting at 1:04 p.m.

Administrative Matters (continued):

C. Update on Governor's Executive Order No. 562

Chief Board Counsel Vita Berg informed the Board the Governor's recent executive order is requiring all boards across the executive branch to determine if its regulations are necessary and that each board must make this determination by March 31, 2016. Atty. Berg stated this is an ambitious goal of great importance to the Governor. Atty. Berg advised the Board its regulatory review workgroup will continue its work and that updates will be provide as soon as possible. Atty. Berg provided the Board with a tentative schedule for regulatory review by the Board.

Dr. Samuels asked what happens if this regulatory review process is not completed by March 31st; Atty. Berg advised that the regulations will be sunset on March 31st. Ms. Young stated the workgroup's review of 234 CMR to date has only been completed on 8.00.

D. Update on VALOR Act Policy

Chief Board Counsel Vita Berg advised the Board the FY16 budget bill had a provision included calling for the waiver of initial licensure fees for veterans and active duty military. Dr. Hsu noted the list of candidates for waiver was missing some military entities; Atty. Berg responded that the legislative language of the budget bill is not subject to change by the Board and the proposed waiver has been adopted by the nursing and pharmacy boards.

Dr. Batchelder asked for an estimate of the no. of dental candidates eligible for this waiver; Atty. Berg advised the dental board has the largest no. of requests to date and receives approx. 20 per year.

Motion: To Approve DHPL Division Policy 14-01, VALOR ACT IMPLEMENTATION

Motion Made By: Dr. Keith Batchelder

Second: Ms. Kathleen Held

Vote: **In Favor:** Dr. David Samuels; Dr. Paul Levy; Dr. Ward Cromer; Ms. Lois Sobel; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Stephen DuLong; Dr. John Hsu; Dr. Keith Batchelder
Opposed: None
Abstain: None

E. Update to License Status Codes

Chief Board Counsel Vita Berg advised the Board that DHPL had undertaken a division-wide update to its database and noted revisions were needed in an attempt to make the codes used uniform across all boards. Atty. Berg informed the Board this inconsistency often resulted in attempts by licensees to negotiate their status through consent agreements. Further, Atty. Berg informed the Board this review also clarified definitions for the categories used in the database.

Motion: To Approve DHPL's Updated License Status Codes

Motion Made By: Dr. Stephen DuLong

Second: Ms. Lois Sobel

Vote: **In Favor:** Dr. David Samuels; Dr. Paul Levy; Dr. Ward Cromer; Ms. Lois Sobel; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Stephen DuLong; Dr. John Hsu; Dr. Keith Batchelder
Opposed: None
Abstain: None

F. Flex Session

1. Dr. Samuels informed the Board that the advanced practice dental hygiene bill has been filed but has yet to be reviewed by the Board. Ms. Stultz noted this is not a new bill but rather a reintroduction of an existing bill. Atty. Berg advised the Board it does not necessarily need to publicly comment on this bill as a Board and suggested each Board member forward their individual comments, if any, to Ms. Young and her. Ms. Stultz asked if this bill would be returned to the Board to implement if passed by the legislature and signed by the governor; Atty. Berg replied yes. Ms. Young also noted the bill permitting hygienists to administer nitrous oxide-oxygen had also been reintroduced.

2. Dr. DuLong asked if a dental student is on a rotation at an approved location and is working as a dental assistant, would that dental student need a dental assisting license. Ms. Stultz stated that if a student goes off-site to an approved location, then the accreditation standards state that is permissible. Dr. DuLong noted these rotations are part of the dental school curriculum and are not ad hoc. The Board agreed that a dental assisting license would not be needed in these circumstances.

3. Ms. Sobel noted the recent survey of hygienists was not sufficiently specific as to the definition of what it means to practice as a public health dental hygienist. Ms. Young informed the Board she and Mr. Mills recently met with the DPH Office of Oral Health to review the hygiene survey and it will be updated shortly. Ms. Stultz noted building an appropriate and useful survey is difficult.

4. Ms. Young informed the Board she had requested commendations from the Governor and DPH Commissioner Bharel on behalf of Dr. Milton Glicksman and Ms. Diane Grondin. Ms. Young suggested inviting both to lunch at the next Board meeting on Oct. 7th to receive their commendations and to be recognized by the Board.

5. Ms. Young informed the Board the Governor has requested information regarding the attendance of each Board member be submitted after each Board meeting along with an explanation, if known, why a Board member could not attend and whether the Board members' absence resulted in a loss of quorum.

6. Dr. Cromer asked if any decision had been made regarding assessing licensees with monetary fines for regulatory violations. Dr. Samuels informed the Board he met with Division Director Jim Lavery and was told that the Board cannot do this alone but rather if fines are to be assessed, then it must be done by all Boards across the division. Dr. Batchelder asked if this could be reduced to writing by Mr. Lavery; Dr. Samuels agreed.

7. Dr. Samuels informed the Board he also discussed random CEU audits with Division Director Jim Lavery and was informed the division is working on instituting random CEU audits across all boards.

8. Dr. DuLong noted Ms. Young had informed all Board members that DPII will no longer pay for each Board member to join the American Assoc. of Dental Boards and expressed disappointment of this new development.

9. Dr. Samuels reminded each Board member that they should keep any and all records pertaining to Board business in their possession.

10. Dr. Samuels asked the Board members if they were pleased with the new seating arrangement; all Board members agreed enthusiastically. Dr. Samuels reminded the Board he is always open to suggestions on how to improve Board meetings and that each Board member should vote his/her conscience when considering complaints and not be worried about what another Board member might think of their vote.

11. Mr. Mills informed the Board that DIPL had received notice that the state record centers were closing in September and that each Board will be responsible for determining what to do with its records.

Motion: At 2:22 p.m., to re-enter Executive Session pursuant to M.G.L. c. 30A, §21(a)(1)

Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

Vote: **In Favor:** Dr. David Samuels; Dr. Paul Levy; Dr. Ward Cromer; Ms. Lois Sobel; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Stephen DuLong; Dr. John Hsu; Dr. Keith Batchelder
Opposed: None
Abstain: None

Dr. John Hsu and Ms. Jacyn Stultz left the meeting for the day at 2:43 p.m.

Motion: At 2:58 p.m., to leave Executive Session

Motion Made By: Dr. Stephen DuLong

Second: Ms. Lois Sobel

Vote: **In Favor:** Dr. David Samuels; Dr. Paul Levy; Dr. Ward Cromer; Ms. Lois Sobel; Ms. Kathleen Held; Dr. Stephen DuLong; Dr. Keith Batchelder
Opposed: None
Abstain: None

Motion: At 2:59 p.m., to enter an Adjudicatory Session

Motion Made By: Dr. Stephen DuLong

Second: Dr. Ward Cromer

Vote: **In Favor:** Dr. David Samuels; Dr. Paul Levy; Dr. Ward Cromer;
Ms. Lois Sobel; Ms. Kathleen Held; Dr. Stephen DuLong;
Dr. Keith Batchelder
Opposed: None
Abstain: None

Dr. Keith Batchelder left the meeting for the day at 3:00 p.m.

Motion: **At 3:19 p.m., to leave the Adjudicatory Session**

Motion Made By: Dr. Stephen DuLong

Second: Dr. Paul Levy

Vote: **In Favor:** Dr. David Samuels; Dr. Paul Levy; Dr. Ward Cromer;
Ms. Lois Sobel; Ms. Kathleen Held; Dr. Stephen DuLong
Opposed: None
Abstain: None

Motion: **At 3:20 p.m., to Adjourn**

Motion Made By: Ms. Lois Sobel

Second: Dr. Ward Cromer

Vote: **In Favor:** Dr. David Samuels; Dr. Paul Levy; Dr. Ward Cromer;
Ms. Lois Sobel; Ms. Kathleen Held; Dr. Stephen DuLong
Opposed: None
Abstain: None

Respectfully submitted,

Ms. Ailish Wilkie, Board Secretary

Date _____