

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
239 Causeway Street, Suite 500, 5th Floor, Boston, MA 02114

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MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY

239 Causeway Street, Boston, MA 02114

Room 417

April 3, 2013

AGENDA

- 8:30 a.m. Call to Order
- A. Presentation by Massachusetts Dental School Deans—PGY-1
- 9:15 a.m. B. Adjudicatory Session (closed to the public)
- C. M.G.L.c.112, §65C Session (closed to the public)
- 9:40 a.m. D. Request for Reinstatement—Board Counsel Marsha Bird
--In the Matter of DEN-2011-0076 and DEN-2011-0077: Dr. Guillermo Recinos
- E. Reconsiderations of Prior Board Actions—Board Counsel Marsha Bird
--In the Matter of DEN-2012-0039: Dr. Maylene Chu
--In the Matter of DEN-2012-0154: Dr. James Kraus
--In the Matter of DEN-2012-0158: Dr. Charles Todd
- F. Complaint Resolution—Pending Board Cases—Kathy Perault
--In the Matter of DEN-2012-0092: Dr. Alan Shopak
--In the Matter of DEN-2012-0093: Dr. Leo Durrett
--In the Matter of DEN-2012-0094: Dr. Mladen Zekic
--In the Matter of DEN-2012-0091: Dr. Dong Heon Oh
--In the Matter of DEN-2012-0178: Dr. Philip Conti
--In the Matter of DEN-2012-0180: Lisa Marino, RDH
- G. Complaint Resolution—Pending Board Cases—Eileen Mulligan
--In the Matter of DEN-2012-0106: Dr. Jemin Kim

- In the Matter of DEN-2012-0109: Dr. Frank Varinos
- In the Matter of SA-INV-2710: Dr. Ahmed El-Samra
- In the Matter of SA-INV-2825: Ibrahim Elgarawany
- In the Matter of SA-INV-3006: Dr. Arno Topp
- In the Matter of SA-INV-2756: Dr. Deepak Saluja
- In the Matter of SA-INV-3196: Dr. Dawn West

H. Complaint Resolution—Pending Board Cases—Sarah Millar

- In the Matter of SA-INV-2823: Dr. Shadi Daher
- In the Matter of SA-INV-2822: Dr. Vincent Morgan
- In the Matter of DEN-2012-0070: Dr. Sanford Greenberg
- In the Matter of DEN-2012-0071: Dr. Pamela Medici
- In the Matter of SA-INV-3029: Dr. Jerome Azia

I. Administrative Matters

- Final Report of the Workgroup on Use of Lasers by Dental Auxiliaries
- Public Presentations on Board Regulations and Policies
- Workgroup on Facility Inspection Forms
- Updates

J. Probation Matter—Karen Fishman, Probation Monitor

- In the Matter of DEN-2010-0025: Dr. Mouhab Rizkallah

K. Complaint Resolution—Pending Board Cases—Barbara Yates

- In the Matter of SA-INV-2815: Aspen Dental
- In the Matter of SA-INV-2816: Dr. Madhu Katta
- In the Matter of SA-INV-2821: Dr. Rafael Villacorta
- In the Matter of SA-INV-2819: Dr. Steven Grossman
- In the Matter of SA-INV-2829: Dr. Paul Duffell
- In the Matter of SA-INV-2864: Dr. Dennis Jodoin
- In the Matter of DEN-2011-0091: Dr. Alexander Smolyar

L. Complaint Resolution—Pending Board Cases—Kathleen O'Connell

- In the Matter of DEN-2012-0123: Dr. Margaret Panajoti
- In the Matter of DEN-2012-0138: Dr. Lawrence Miller
- In the Matter of DEN-2012-0147: Dr. Preeti Gandhi
- In the Matter of DEN-2012-0186: Dr. Preeti Gandhi
- In the Matter of DEN-2012-0187: Dr. James Sarcheck
- In the Matter of DEN-2012-0185: Dr. Zheng Shi
- In the Matter of DEN-2012-0183: Kristen LeBlanc, RDH
- In the Matter of DEN-2012-0184: Diana Williams, RDH

M. Complaint Resolution—Pending Board Case—Lisa Seeley-Murphy

- In the Matter of SA-INV-2906: Dr. Kirk Bankhead

N. Proposed Legislation

- Advanced Practice RDH
- Dental Licensure Examinations

Adjournment

NEXT MEETING: May 1, 2013

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MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417
April 3, 2013
GENERAL SESSION MINUTES

Board Members Present: Dr. Mina Paul, Chair; Dr. Milton Glicksman, Secretary; Dr. Roderick Lewin; Dr. Stephen DuLong; Dr. John Hsu (*arrived at 8:58 a.m.*); Dr. Cynthia Stevens; Ms. Ailish Wilkie, CPHQ; Ms. Lois Sobel, RDH; Ms. Diane Grondin, CDA Advisor.

Board Member Absent: Ward Cromer, Ph.D.

Staff Members Present: Jeffrey Mills, Assistant Executive Director; Marsha Bird, Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; Joel Kanter, Ph.D., DPH Consultant; Investigators Eileen Mulligan, Kathleen O'Connell, Kathy Perault, Lisa Seeley-Murphy, Sarah Millar, and Barbara Yates; Anne McLaughlin, Prosecuting Counsel; Curtis Jackson, MPRS Coordinator; Rosie Rogers, Administrative Assistant; Erin Belitskus.

Motion: To commence the meeting at 8:35 a.m.

Motion Made By: Dr. Stephen DuLong

Second: Ms. Lois Sobel

Vote: Unanimous

Presentation by Massachusetts Dental School Deans—PGY-1

Dr. Bruce Donoff (Harvard University School of Dental Medicine) and Dr. Huw Thomas (Tufts University School of Dental Medicine) addressed the Board on the matter of PGY-1 as an alternate pathway to licensure. It was noted that Dr. Hutter from the Boston University Goldman School of Dental Medicine was out of the country. Also in attendance were two representatives of the American Student Dental Association, Colleen Greene and Sammy Gill. Board members posed several questions to the presenters. The Deans provided some history behind the proposed legislation on this topic and provided a handout as part of their presentation. Questions regarding the definition of "residency" in the proposed legislation were voiced, as were the Board's role in considering this issue. The Deans expressed their willingness to work with the Board on this, and were invited by the Chair to return to address the Board in July.

Motion To leave General Session, at 9:28 a.m.

Motion Made By Dr. Roderick Lewin

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Second Ms. Lois Sobel

Vote Unanimous

Motion To enter Adjudicatory Session, at 9:28 a.m.

Motion Made By Dr. Cynthia Stevens

Second Dr. Stephen DuLong

Vote **Yea:** Dr. Stephen DuLong; Dr. Milton Glicksman; Dr. John Hsu;
Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH;
Ms. Ailish Wilkie, CPHQ.

Abstain: Dr. Mina Paul

Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion To leave Adjudicatory Session, at 9:33 a.m.

Motion Made By Dr. John Hsu

Second Dr. Roderick Lewin

Vote **Yea:** Dr. Stephen DuLong; Dr. Milton Glicksman; Dr. John Hsu;
Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH;
Ms. Ailish Wilkie, CPHQ.

Abstain: Dr. Mina Paul

Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion To enter M.G.L.c.112, §65C Session, at 9:33 a.m.

Motion Made By Dr. John Hsu

Second Ms. Ailish Wilkie

Vote **Yea:** Dr. Stephen DuLong; Dr. Milton Glicksman; Dr. John Hsu;
Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH;
Ms. Ailish Wilkie, CPHQ.

Abstain: Dr. Mina Paul

Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: To leave M.G.L.c.112, §65C Session, at 9:47 a.m.

Motion Made By: Ms. Lois Sobel

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Second: Dr. John Hsu

Vote: **Yea:** Dr. Stephen DuLong; Dr. Milton Glicksman; Dr. John Hsu;
Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH;
Ms. Ailish Wilkie, CPHQ.
Abstain: Dr. Mina Paul
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To enter General Session, at 9:47 a.m.**

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Ailish Wilkie

Vote: **Unanimous**

Request for Reinstatement—Board Counsel Marsha Bird

--In the Matter of DEN-2011-0076 and DEN-2011-0077: Dr. Guillermo Recinos

Discussion: Focused on the history as presented in Counsel's memo, and considered what might be an appropriate length of probationary period.

Motion: **To grant reinstatement of dental license and place Licensee on Probation for three years.**

Motion Made By: Dr. John Hsu

Second: Ms. Ailish Wilkie

Vote: Unanimous

Reconsiderations of Prior Board Actions—Board Counsel Marsha Bird

--In the Matter of DEN-2012-0039: Dr. Maylene Chu

Discussion: The issue of the number of times a licensee should be asked by an Investigator for proof of continuing education credits taken was considered. Board Counsel offered to make the request on the third time of asking, and if there is no response to consider that as the final opportunity for the Board's acceptance of CE credits.

Motion: To grant request for reconsideration and place licensee on Probation/Stayed for six months with the following Continuing Education:
Full Day: Risk Management
Full Day: Record Keeping
Licensee must also complete course in Safe and Effective Prescribing for Chronic Pain for license renewal ending March 31, 2012

Motion Made By: Dr. John Hsu
Second: Dr. Roderick Lewin
Vote: Unanimous

--In the Matter of DEN-2012-0154: Dr. James Kraus

Discussion: Focused on distinguishing the level of management control between practice owner and associates.

Motion: To grant request for reconsideration and place licensee on Probation/Stayed for one year with the following Continuing Education:
Full Day: CDC Guidelines in Infection Control
Full Day: Risk Management
Half Day: Medical Emergencies in the Dental Office
(entire staff to complete this course)

Motion Made By: Dr. Roderick Lewin
Second: Dr. Cynthia Stevens
Vote: Unanimous

--In the Matter of DEN-2012-0158: Dr. Charles Todd

Discussion: Focused on distinguishing the level of management control between practice owner and associates.

Motion: To grant request for reconsideration and place licensee on Probation/Stayed for one year with the following Continuing Education:
Full Day: CDC Guidelines in Infection Control
Full Day: Risk Management
Half Day: Medical Emergencies in the Dental Office
(entire staff to complete this course).

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Motion Made By: Dr. Roderick Lewin

Second: Dr. Cynthia Stevens

Vote: Unanimous

Complaint Resolution—Pending Board Cases

Investigators presented their previous distributed Investigative Reports, together with relevant clarifications and supplemental information as necessary. Supplemental information included patient records, photographs of equipment, and radiographs.

--In the Matter of DEN-2012-0092: Dr. Alan Shoopak

Allegation: Regulatory violation/code violation: infection control standards violation

Discussion: Board is concerned about the severity of violation, particularly the use of a toaster oven for sterilization purposes. Licensee resides out of state and owns multiple practices there.

Motion: To offer Suspension for six months, and to include the following Continuing Education:
Full Day: Risk Management
Full Day: Infection Control
One Semester: Graduate Level Ethics Course with a grade B or better.
Licensee must also complete a course in Safe and Effective Prescribing for Chronic Pain for license renewal ending March 31, 2012

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification:

- Licensee violated M.G. L. c. 94C, §18(e) by failing to complete continuing education in effective pain management pain management required for license renewal for the March 2012 license renewal cycle.
- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) and (8) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to: the **failure to conduct weekly spore tests**; to the failure to sterilize dental instruments in a sterilizer/autoclave; and the failure to bag or wrap instruments in sterilization pouches; and the failure to use internal or external indicators. Licensee used a toaster oven to sterilize dental instruments.
- Licensee violated 234 CMR 5.16 by failing to maintain a complete and current Emergency Drug Kit. Medications missing from the Emergency Drug Kit include, but are not limited to, Epinephrine Ampules, Acetylsalicylic acid, Ammonia inhalants, Antihistamine, Antihypoglycemic, Bronchodilator and Vasodilator. Licensee also failed to ensure that all staff was properly trained in emergency protocols.

--In the Matter of DEN-2012-0093: Dr. Leo Durrett

Allegation: Regulatory code –infection control violations

Discussion: Licensee is an associate in the practice.

Motion: To offer Stayed Probation for six months, and to include the following Continuing Education:

Full Day: Risk Management

Full Day: Infection Control

1.5 Hours: Ethics (may be taken on-line)

Also, Licensee must complete a course in Safe and Effective Prescribing for Chronic Pain for license renewal ending March 31, 2012

Motion Made By: Dr. Stephen DuLong

Second: Ms. Lois Sobel

Vote: Unanimous

Justification:

- Licensee violated M.G. L. c. 94C, §18(e) by failing to complete continuing education in effective pain management pain management required for license renewal for the March 2012 license renewal cycle.
- Licensee violated 234 CMR 8.03 (a) continuing education in infection control in the dental-health care setting prior to renewing his license.
- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) and (8) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to the failure to sterilize dental instruments in a sterilizer/autoclave; and the failure to bag or wrap instruments in sterilization pouches; and the failure to use internal or external indicators. Licensee used a toaster oven to sterilize dental instruments.
- Licensee violated 234 CMR 5.16 by failing to maintain a complete and current Emergency Drug Kit. Medications missing from the Emergency Drug Kit include, but are not limited to, Epinephrine Ampules, Acetylsalicylic acid, Ammonia inhalants, Antihistamine, Antihypoglycemic, Bronchodilator and Vasodilator. Licensee also failed to ensure that all staff was properly trained in emergency protocols.

--In the Matter of DEN-2012-0094: Dr. Mladen Zekic

Allegation: Regulatory violation/code violation: infection control standards violation

Discussion: Licensee immediately left the practice upon discovery of the infection control violations.

Motion: **To dismiss the matter with an advisory letter regarding compliance with the Board's Regulation at 234 CMR 5.05 (1), Infection Control Practices.**

Motion Made By: Dr. John Hsu

Second: Ms. Ailish Wilkie

Vote: Unanimous

--In the Matter of DEN-2012-0091: Dr. Dong Heon Oh

Allegation: Regulatory code - infection control violations

Discussion: While no longer employed by the practice, licensee was named dental director at the time of compliance inspection.

Motion: To offer Stayed Probation for six months, and to include the following Continuing Education:
Full Day: Risk Management
1.5 Hours: Ethics (course may be taken on-line)

Motion Made By: Dr. John Hsu

Second: Ms. Ailish Wilkie

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) and (8) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to the failure to sterilize dental instruments in a sterilizer/autoclave; and the failure to bag or wrap instruments in sterilization pouches; and the failure to use internal or external indicators. Licensee used a toaster oven to sterilize dental instruments.
- Licensee violated 234 CMR 5.16 by failing to maintain a complete and current Emergency Drug Kit. Medications missing from the Emergency Drug Kit include, but are not limited to, Epinephrine Ampules, Acetylsalicylic acid, Ammonia inhalants, Antihistamine, Antihypoglycemic, Bronchodilator and Vasodilator. Licensee also failed to ensure that all staff was properly trained in emergency protocols.

--In the Matter of DEN-2012-0178: Dr. Philip Conti

Allegation: Dr. Conti practiced dentistry with an expired dental license

Discussion: Board members reviewed chronology presented.

Motion: To offer Consent Agreement for Reprimand.

Motion Made By: Dr. Cynthia Stevens

Second: Ms Lois Sobel

Vote: Unanimous

Justification:

- M.G. L. c. 112, §44 and 234 CMR 4.10 (1) Failure to Renew License to Practice Dentistry
- M. G. L. c. 112, §52 and 234 CMR 4.01 (5) and 9.05 (6) Practice with an Expired Dental License

--In the Matter of DEN-2012-0180: Lisa Marino, RDH

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Allegation: Ms. Marino practiced dental hygiene with an expired license

Discussion: Board members reviewed chronology presented.

Motion: **To offer Consent Agreement for Reprimand and to open complaints against the three dentist owners of the practice.**

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Lois Sobel

Vote: Unanimous

Recused: Dr. Stephen DuLong

Justification:

- M.G. L. c. 112, §51 and 234 CMR 4.10 (2) & (4) Failure to Renew License to Practice Dental Hygiene
- M. G. L. c. 112, §52 and 234 CMR 9.05 (6) Practice with an Expired Dental Hygiene License
- 234 CMR 4.11 (1): Failure to notify Board of address change within 30 calendars days of such change.

--In the Matter of DEN-2012-0106: Dr. Jemin Kim

Allegation: Failure to obtain a facility permit prior to administration of nitrous oxide oxygen

Discussion: Licensee was one-third owner. Practice was purchased from a retiring dentist. Claimed he thought no facility permit was required for administration of nitrous. Dental hygienist was administering nitrous in the practice.

Motion: **To offer Probation for three months, and to include the following Continuing Education:**
Full Day: Risk Management
Full Day: Oral Sedation for licensee and staff, with component on managing medical emergencies.

Motion Made By: Dr. Milton Glicksman

Second: Dr. Stephen DuLong

Vote: Unanimous

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Justification:

- Licensee violated 234 CMR 6.03 (1) and 6.07 by failing to have a facility permit for the administration of Minimal Sedation and Nitrous Oxide-oxygen.
- Licensee violated 234 CMR 6.07 (2) and (3) by failing to have the required equipment and drugs for administration of Minimal Sedation and/or Nitrous Oxide-Oxygen sedation.
- Licensee violated 234 CMR 5.12 (25) by allowing a dental hygienist to administer Nitrous Oxide-oxygen.

Motion:

To open a complaint against the dental hygienists in the practice, with the allegation of practicing outside the scope by administering nitrous oxide oxygen sedation.

Motion Made By:

Lois Sobel

Second:

Dr. John Hsu

Vote:

Unanimous

--In the Matter of DEN-2012-0109: Dr. Frank Varinos

Allegation:

Failure to ensure that a facility permit was in place prior to administration of minimum sedation with nitrous oxide oxygen

Discussion:

Licensee is two-thirds owner of the practice and holds facility permit in another location.

Motion:

To offer Probation for six months, and to include the following Continuing Education:

Full Day: Risk Management

Full Day: Oral Sedation for licensee and staff, with component on managing medical emergencies.

Motion Made By:

Ms. Lois Sobel

Second:

Dr. Cynthia Stevens

Vote:

Unanimous

Justification:

Licensee is owner of another practice for which he has a facility permit and thus had prior knowledge of need for a facility permit.

- Licensee violated 234 CMR 6.03 (1) and 6.07 by failing to have a facility permit for the administration of Minimal Sedation and Nitrous Oxide-oxygen.
- Licensee violated 234 CMR 6.07 (2) and (3) by failing to have the required equipment and drugs for administration of Minimal Sedation and/or Nitrous Oxide-Oxygen sedation.
- Licensee violated 234 CMR 5.12 (25) by allowing a dental hygienist to administer Nitrous Oxide-oxygen.

--In the Matter of SA-INV-2710: Dr. Ahmed El-Samra

Allegation:

Inferior treatment regarding the fabrication of an ill-fitting maxillary denture

Discussion:

Complainant signed an Informed Consent for Dentures. Patient notes indicated that the patient was satisfied with the dentures. There were record-keeping violations.

Motion:

To not open as a complaint, and send an advisory letter regarding compliance with the Board's Regulation at 234 CMR 5.15, Content of Patient Records.

Motion Made By:

Dr. John Hsu

Second:

Dr. Cynthia Stevens

Vote:

Unanimous

--In the Matter of SA-INV-2825: Ibrahim Elgarawany

Allegation:

Unlicensed practice

Discussion:

Subject of complaint has never been licensed to practice dentistry in Massachusetts but was engaged in such practice at Quality Dental Care.

Motion:

To refer matter to Attorney General's Office and open a complaint against the owner of Quality Dental Care, Dr. Zaher Hammoud.

Motion Made By:

Dr. John Hsu

Second:

Ms. Ailish Wilkie

Vote:

Unanimous

--In the Matter of SA-INV-3006: Dr. Arno Topp

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Allegations: Fraud regarding the billing for examinations that were never performed

Discussion: There is sufficient evidence of irregular billing to warrant a complaint being opened.

Motion: To open as a complaint.

Motion Made By: Dr. Milton Glicksman

Second: Dr. Stephen DuLong

Vote: Unanimous

--In the Matter of SA-INV-2756: Dr. Deepak Saluja

Allegations: Misdiagnosis of condition, inferior treatment, and business practice issue

Discussion: There is conflicting evidence in this staff assignment, so it should be opened as a complaint.

Motion: To open as a complaint.

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote: Unanimous

--In the Matter of SA-INV-3196: Dr. Dawn West

Allegation: Confidentiality violation

Discussion: This matter concerns a staff member at a Community Health Center.

Motion: To not open as a complaint and refer the matter to the Division of Health Care Quality.

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote: Unanimous

--In the Matter of SA-INV-2823: Dr. Shadi Daher

Allegation: Abandonment

Discussion: Licensee is an independent contractor at this practice and does not control financial affairs of the practice. Complainant claimed abandonment because Licensee did not respond to his written request; complainant subsequently dealt with the practice owner, however.

Motion: **To not open as a complaint.**

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

--In the Matter of SA-INV-2822: Dr. Vincent Morgan

Allegation: Abandonment

Discussion: This is the practice owner who dealt with the complainant's request for monetary refund. While there is no evidence to support the allegation of abandonment, there were record-keeping violations.

Motion: **To not open a complaint and send advisory regarding compliance with the Board's Regulation at 234 CMR 5.15, Content of Patient Records. Board recommends licensee take a course in record-keeping.**

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

--In the Matter of DEN-2012-0070: Dr. Sanford Greenberg

Allegation: Inferior treatment

Discussion: Though there is no evidence to sustain or refute the allegation of inferior treatment, the Licensee did not complete the required course in effective pain management within the renewal period, although the licensee completed more than the required number of total CE hours for the cycle.

Motion: **To dismiss the matter and send an advisory letter regarding compliance with required continuing education credits for dental license renewal.**

Motion Made By: Ms. Lois Sobel

Second: Dr. John Hsu

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Vote: Unanimous

--In the Matter of DEN-2012-0071: Dr. Pamela Medici

Allegations: Inferior treatment, impairment, unable to obtain dental record

Discussion: Licensee moved to another state in 2007 and does not recall complainant. Complainant is seeking monetary compensation as settlement from Licensee.

Motion: **To dismiss the matter without prejudice.**

Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

Vote: Unanimous

--In the Matter of SA-INV-3029: Dr. Jerome Azia

Allegation: Failure to diagnose and treat periodontal disease in a timely manner

Discussion: Members reviewed radiographs and determined there is evidence sufficient to open this matter as a complaint.

Motion: **To open as a complaint.**

Motion Made By: Dr. Milton Glicksman

Second: Ms. Ailish Wilkie

Vote: Unanimous

Administrative Matters

--Final Report of the Workgroup on Use of Lasers by Dental Auxiliaries

The Workgroup was co-chaired by Dr. Mina Paul and Lois Sobel, RDH. After several months' work, a final report was produced and presented to the Board.

Motion: **To accept the Report, adopt the Policy presented therein and post the Policy on the Board's web site.**

Motion Made By: Dr. John Hsu

Second: Ms. Ailish Wilkie

Vote: Unanimous

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--Public Presentations on Board Regulations and Policies

Board members discussed this issue and strongly expressed that all public presentations of Board regulations and policies should be made by current Board members and administrative staff. The Board may, however, designate others to make public presentations, if no Board member is available for a particular meeting or event at which such a presentation is requested.

--Updates

Dr. Paul reminded members that the focus of the mid-year meeting of AADB in April will be continued competency for dentists.

The Chair suggested the Board may wish to invite Dr. Bruce Barrette, ADEX President to present his program entitled, "If you could see what I see."

A future Board meeting will address some concerns around applications for portable dental operations by public health dental hygienists.

Dr. Paul announced that a workgroup to explore revision of the facility inspection checklists is being formed. Board members should get names of possible workgroup members to Jeffrey Mills by April 15. The aim is to design a checklist that can be made public on the Board's web site.

Probation Matter—Karen Fishman, Probation Monitor

--In the Matter of DEN-2010-0025: Dr. Mouhab Rizkallah

Discussion: The Board's intention in requiring the 14-hour live ethics course was the need for interactive learning in this subject area. Online learning would not address this need as sufficiently as the Board desires.

Motion: **Petition to amend Ethics Course requirement denied.**

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

Complaint Resolution—Pending Board Cases—Barbara Yates

--In the Matter of SA-INV-2815: Aspen Dental

Allegation: Inferior treatment

Discussion: Patient record, including radiographs, was reviewed.

Motion: **To open complaints against Dr. Jung Lee and Dr. Ambreen Bawa, the treating dentists.**

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Motion Made By: Ms. Ailish Wilkie
Second: Dr. John Hsu
Vote: Unanimous

--In the Matter of SA-INV-2815: Dr. Madhu Katta

Allegations: Misdiagnosis of caries, fraud, and business practice issues
Discussion: Board members were concerned about advertising that this facility offers IV and conscious sedation dentistry. There is no facility permit issued to this address. The patient financial agreement appears to violate 234 CMR 5.14 (4) (a). These factors alone warrant opening this as a complaint.
Motion: To open as a complaint.
Motion Made By: Dr. John Hsu
Second: Ms. Lois Sobel
Vote: Unanimous

--In the Matter of SA-INV-2821: Dr. Rafael Villacorta

Allegations: Patient abandonment and breach of contract as a CIGNA Dental provider
Discussion: More evidence is warranted, so this should be opened as a complaint.
Motion: To open as a complaint.
Motion Made By: Dr. John Hsu
Second: Ms. Ailish Wilkie
Vote: Unanimous

--In the Matter of SA-INV-2819: Dr. Steven Grossman

Allegations: Inferior treatment, abandonment, and inappropriate administration of local anesthesia
Discussion: Dental record of referring dentist and the licensee were reviewed.
Motion: To not open as a complaint.
Motion Made By: Dr. John Hsu

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Second: Dr. Roderick Lewin

Vote: Unanimous

--In the Matter of SA-INV-2829: Dr. Paul Duffell

Allegations: Inferior treatment, inflicting bodily harm by grabbing the patient's wrist and abandonment

Discussion: Patient record was reviewed.

Motion: To not open as a complaint and to send an advisory letter regarding compliance with the Board's Regulation at 234 CMR 5.15, Content of Patient Records.

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Lois Sobel

Vote: Unanimous

--In the Matter of SA-INV-2864: Dr. Dennis Jodoin

Allegation: Inferior treatment and failure to adhere to the standards of practice

Discussion: Patient record was reviewed, including radiographs and photographs. Pre-medication documentation was not in patient record.

Motion: To open as a formal complaint.

Motion Made By: Dr. John Hsu

Second: Ms. Lois Sobel

Vote: Unanimous

--In the Matter of DEN-2011-0091: Dr. Alexander Smolyar

Allegation: Failure to perform weekly spore testing

Discussion: Consistent weekly spore testing was not in evidence.

Motion: To offer Probation for one year, and to include the following Continuing Education Credits:
Full Day: Risk Management
Full Day: Infection Control
Full Day: OSHA

Motion Made By: Ms. Lois Sobel

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Second: Dr. Stephen DuLong

Vote: Unanimous

Justification: • Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to, the failure to conduct weekly spore tests for the dry heat sterilizer. While the office monitoring records indicated that weekly spore tests were conducted, there are no test results for these periods of time: from on or about February 7, 2010 to April 2, 2010; May 10, 2010 to June 23, 2010; June 28, 2010 to May 25, 2011.

Complaint Resolution—Pending Board Cases—Kathleen O’Connell

--In the Matter of DEN-2012-0123: Dr. Margaret Panajoti

Allegations: General practice standards

Discussion: Licensee does not own the practice, and states she never authorized her name to be used on corporate filings of businesses owned by the non-dentist owner of Dental Arts in Lawrence, MA. Practices owned by one or more non-dentists must be registered as dental clinics, through Health Care Quality.

Motion: To dismiss the matter without prejudice and refer matter to the Division of Health Care Quality.

Motion Made By: Dr. Cynthia Stevens

Second: Dr. Roderick Lewin

Vote: Unanimous

--In the Matter of DEN-2012-0138: Dr. Lawrence Miller

Allegation: Malpractice settlement

Discussion: Review of patient record and radiographs.

Motion: To offer Probation for six months, and to include the following Continuing Education:
Full Day: Risk Management including a component on surgical complications

Motion Made By: Dr. Milton Glicksman

Second: Ms. Lois Sobel

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 9.05 (14), by failing to meet the standard of care in the extraction of tooth #2 where Licensee failed to diagnose that a root tip remained. Licensee failed to expose a radiograph subsequent and post-operative visits extraction when patient presented with complications at extraction site.
- Licensee violated 234 CMR 5.15, by failing to properly document the patient record. Licensee failed to perform and/or document a treatment plan with associated fees, periodontal charting (when patient was referred to the Licensee for evaluation of periodontal condition); and expose a panorex radiograph when patient returned for post-operative appointment where sinus membrane was pushing through the extraction socket and further surgery was required.

--In the Matter of DEN-2012-0187: Dr. James Sarcheck

Allegation: Infection control standards violation

Discussion: Licensee owns multiple practices, here and in another state. Doesn't practice in Massachusetts. Severity of violations was discussed.

Motion: **To offer Suspension for one year. Motion failed.**

Motion Made By: Dr. John Hsu

Second: Ms. Lois Sobel

Vote: **Yea:** Dr. John Hsu; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ.

Nay: Dr. Stephen DuLong; Dr. Milton Glicksman; Dr. Roderick Lewin; Dr. Cynthia Stevens. **Motion failed.**

Abstain: Dr. Mina Paul

Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To offer Probation for one year, and to include the following Continuing Education:**

Full Day: Risk Management

Full Day: Infection Control

14 Hours: Ethics

Motion Made By: Dr. Cynthia Stevens

Second: Dr. Roderick Lewin

Vote: Unanimous

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Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) and (8) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to the failure to conduct weekly spore test in February, March and April 2012 and additional weeks in May, July, August and September 2012; failure to sterilize slow hygiene hand pieces and straight attachments between patient use; failure to maintain an Infection Control Protocol.
- Licensee violated 234 CMR 5.16 by failing to have a written Emergency Protocol and maintain a complete Emergency Drug Kit and ensure that all staff is trained in emergency protocols.

--In the Matter of DEN-2012-0147 & DEN-2012-0186: Dr. Preeti Gandhi

Motion: To join DEN-2012-0147 & DEN-2012-0186
Motion Made By Dr. John Hsu
Second Ms. Ailish Wilkie
Vote Unanimous

--In the Matter of DEN-2012-0147 & DEN-2012-0186: Dr. Preeti Gandhi

Allegations: Inferior treatment and infection control standards violation; general practice standards violation

Discussion: Licensee never agreed to be named dental director, but is the most senior dentists in the practice with infection control violations. Radiographs and patient record were reviewed in the general practice standards matter.

Motion: To offer Probation for one year, and to include the following Continuing Education:
Full Day: Risk Management
Full Day: Infection Control
Full Day: Crown and Bridge for the General Practitioner

Motion Made By: Dr. Milton Glicksman
Second: Dr. Cynthia Stevens
Vote: Unanimous

Justification:

DEN-2012-0186

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) and (8) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to the failure to conduct weekly spore test in February, March and April 2012 and additional weeks in May, July, August and September 2012; failure to sterilize slow hygiene hand pieces and straight attachments between patient use; failure to maintain an Infection Control Protocol.
- Licensee violated 234 CMR 5.16 by failing to have a written Emergency Protocol and maintain a complete Emergency Drug Kit.
- Licensee violated M. G. L. c. 112, §50, by failing to place patient identifying information in removable prosthesis.

DEN 2012-0147

- Licensee violated 234 CMR (14) by committing an act that violates recognized standards of care by failing to place posts on teeth #'s 20 and 21 or adequate buildups prior to placing crowns.

--In the Matter of DEN-2012-0185: Dr. Zheng Shi

Allegation: Infection control standards violation

Discussion: Licensee left employment as soon as he realized the infection control violations.

Motion: **To dismiss the matter and send a letter advising licensee to investigate infection control practices within a dental facility prior to employment.**

Motion Made By: Dr. John Hsu

Second: Ms. Lois Sobel

Vote: Unanimous

--In the Matter of DEN-2012-0183: Kristen LeBlanc, RDH

Allegations: Infection control standards violation

Discussion: Licensee corrected infection control violations in a timely fashion, but did admit to "inadvertent oversight of adherence to regulations."

Motion: **To offer Stayed Probation for six months, and to include the following Continuing Education:**
Full Day: Risk Management
Full Day: Infection Control

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Motion Made By: Ms. Lois Sobel
Second: Dr. John Hsu
Vote: Unanimous
Justification: • Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) and (8) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to the failure to conduct weekly spore test in February, March and April 2012 and additional weeks in May, July, August and September 2012; failure to sterilize slow hygiene hand pieces and straight.

--In the Matter of DEN-2012-0184: Diana Williams, RDH

Allegations: Infection control standards violation
Discussion: Licensee did act to correct violations in a timely fashion, and left employment at the practice.
Motion: **To offer Stayed Probation for six months, and to include the following Continuing Education:**
Full Day: Risk Management
Full Day: Infection Control

Motion Made By: Ms. Lois Sobel
Second: Dr. John Hsu
Vote: Unanimous
Justification: • Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) and (8) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to the failure to conduct weekly spore test in February, March and April 2012 and additional weeks in May, July, August and September 2012; failure to sterilize slow hygiene hand pieces and straight.

Complaint Resolution—Pending Board Cases—Lisa Seeley-Murphy

--In the Matter of SA-INV-2906: Dr. Kirk Bankhead

Allegation: Inferior/substandard treatment
Discussion: Patient record and radiographs were reviewed. After submitting the complaint, complainant corresponded that he is satisfied with treatment. There were record-keeping deficiencies, however.

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Motion: To not open as a complaint and send an advisory regarding compliance with the Board's Regulation at 234 CMR 5.15, Content of Patient Records.

Motion Made By: Dr John Hsu

Second: Dr. Milton Glicksman

Vote: Unanimous

Proposed Legislation

--Advanced Practice RDH

The Board reviewed the proposed legislation (S 998 and H 274). Ms. Lois Sobel provided some background information.

--Dental Licensure Examinations

Board members reviewed H 2080 and S 996. It was suggested that a workgroup be formed to continue discussion on this, to include the Deans of the Massachusetts dental schools. Board members interested in serving on this group are to inform Jeffrey Mills in writing by April 15.

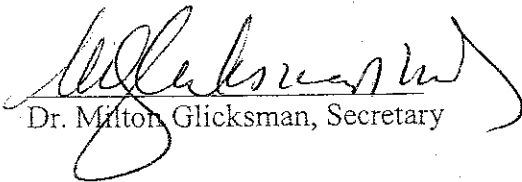
Motion: To adjourn the meeting, at 12:40 p.m.

Motion Made By: Dr. John Hsu

Second: Ms. Lois Sobel

Vote: Unanimous

Respectfully submitted,


Dr. Milton Glicksman, Secretary

Date: 6/5/13