



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Bureau of Health Professions Licensure
Board of Registration in Dentistry
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March 1, 2023
Via WebEx from 250 Washington Street
Boston, Massachusetts 02108

AGENDA

If you need reasonable accommodations in order to participate in the meeting, contact the DPH ADA Coordinator, Sofie Daley, Sofie.Daley@mass.gov, in advance of the meeting. While the Board will do its best to accommodate you, certain accommodations may require distinctive requests or the hiring of outside contractors and may not be available if requested immediately before the meeting.

General Session is open to the public and may be viewed and/or heard via WebEx.

WebEx Information: If at all possible, please call the Board at (617) 973-0970 at least 24 hours before the meeting to request an email invitation to attend this meeting by video conference. The invitation will contain a direct link to the meeting.

<https://eohhs.webex.com/eohhs/j.php?MTID=m1c0e46affeee0f86370c20869c5638b9>

Call-in number for audio-only attendance: 1- (617) 315-0704 (toll) or 1-(650) 479-3208 (toll) only if you have no access to video conference.

Access Code: 2539 189 9059

Attendee ID: #

Time	#	Item	Exhibits	Contact
8:30 a.m.	I	CALL TO ORDER, DETERMINATION OF QUORUM, AND APPROVAL OF AGENDA		

Board of Registration in Dentistry
General Session Agenda & Minutes
March 1, 2023
(Approved by the Board on June 7, 2023)

8:32	II	ADMINISTRATIVE MATTERS <ol style="list-style-type: none"> 1. Policy on Clinical Examinations—Dental and Dental Hygiene 2. GMC Staff Action Licensure Report 3. MWRA Temporary Fluoride Shutdown 4. Tools to Assist Motions 5. Advisory Re: Dental Assisting Letter of Intent 6. Review of BORID General Session Minutes: February 1, 2023 	Memos, Draft Minutes	J Petrillo B Young
9:45	III	COMPLAINT RESOLUTION: PENDING BOARD MATTERS <ol style="list-style-type: none"> 1. DEN-2020-0105: Brooke Carriere, RDA 2. DEN-2020-0106: Dr. Alex Callejas 3. DEN-2022-0050: Dr. Alex Callejas 	Investigation Reports, Memos, Attachments	R Heard D El-Majdoubi
10:10	IV	FLEX SESSION <ol style="list-style-type: none"> 1. In-person Board Meeting Start Date 		
10:20		BREAK		
10:45	V	EXECUTIVE SESSION (closed to the public) <p>The Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, § 21(a)(1) 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.</p> <p>Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve medical records and information of patients.</p>		
11:15	VI	M.G.L.c.112, §65C Session (closed to the public)		
11:45		ADJOURNMENT		

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
250 Washington Street, Boston, MA 02108
GENERAL SESSION MINUTES
March 1, 2023

Present: Dr. Michael Scialabba, Board Chair; Dr. Thomas Trowbridge, Board Secretary; Dr. Richard T. Miller; Dr. Seema Jacob; Dr. Sabina Malla; Ms. Jacyn Stultz, RDH; Ms. Stacy Haluch, RDH; Ms. Jennifer McKeon, RDH, CDA; Ms. Ailish Wilkie

Board of Registration in Dentistry
General Session Agenda & Minutes
March 1, 2023
(Approved by the Board on June 7, 2023)

Absent: None

Board Staff Present: Barbara A. Young, RDH, Executive Director; Jeffrey Mills, Asst. Executive Director; Jacqueline Petrillo, Esq., Board Counsel; Michael Egan, Esq., Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; OPP Investigators Kathleen O'Connell, Rhonda Heard, Eileen Mulligan and Deborah El-Majdoubi

Motion: At 8:31 a.m., to adopt the proposed agenda for today's meeting

Motion Made By: Dr. Richard T. Miller

Second: Ms. Ailish Wilkie

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob, Ms. Stacy Haluch, Ms. Jacyn Stultz, Ms. Jennifer McKeon, Ms. Ailish Wilkie
Opposed: None
Abstain: None

Administrative Matters:

1. Reconsideration of BORID Policy on Clinical Competency Exams for 2023 – Barbara A. Young, RDH Executive Director

Ms. Young submitted the proposed policy for the 2023 exam season to the Board for its consideration and explained she attempted to include the provisions as discussed by the Board during its meeting in February 2023. Dr. Trowbridge asked about the Prometheus exam noting candidates are passed without any explanation or qualification on how a candidate passes the exam; Ms. Young replied the proposed policy before the Board this morning only applies to applicants for initial licensure as a dentist or as a dental hygienist. Mr. Mills noted the CDCA-WREB-CITA exam only indicates if a candidate passes each section and does not provide the score a candidate achieved in each section as it would years ago. Dr. Scialabba stated the proposed policy is acceptable as written and noted many dentists are now doing SRP due to the shortage of dental hygienists. Dr. Trowbridge asked if this policy would be revisited in one year; Ms. Young replied it would and indicated a policy for the 2024 exam season would be submitted to the Board for its consideration during the February/March 2024 Board meetings. Dr. Trowbridge asked if including a notice as to the timeframe for signing up for an exam is advisable; Ms. Young replied Dr. Paul and Dr. Wall indicated last month that candidate sign up for the CDCA-WREB-CITA exams two to three weeks before the scheduled exam date.

Motion: To approve the proposed policy on Clinical Competency Exams for 2023 as written

Motion Made By: Dr. Thomas Trowbridge

Second: Ms. Ailish Wilkie
Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,
Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob,
Ms. Stacy Haluch, Ms. Jacyn Stultz, Ms. Jennifer McKeon,
Ms. Ailish Wilkie
Opposed: None
Abstain: None

2. Good Moral Character Staff Action Licensure Report – Barbara A. Young, RDH Executive Director

Ms. Young submitted her report for the period of 1.11.23 to 3.1.23; the Board had no questions for Ms. Young.

3. MWRA Temporary Fluoride Shutdown – Executive Director Barbara A. Young, RDH

Ms. Young informed the Board she is a member of the DPH Office of Oral Health (OOH) Advisory Committee; during its last meeting, a few weeks ago the attendees were informed the MWRA has notified the OOH that the MWRA will temporarily suspend its fluoridation processes in late March as the system must undergo routine maintenance. Ms. Young indicated the MWRA has stated the shutdown should only last 90 days so it is anticipated that this will not negatively impact MWRA's member communities and their customers. However Ms. Young indicated that the MWRA said it would notify the OOH and other interested parties if the planned shutdown would last more than 90 days.

4. Tools to Assist Motions - Board Counsel Jacqueline Petrillo, Esq.

Atty. Petrillo provided a document for the Board's consideration and noted the document provides a breakdown of the case types considered by the Board and lists possible actions to be taken by the Board. Atty. Petrillo noted the Board's actions regarding its disposition of pending staff assignments and formal complaints may vary and recommended the Board standardize its language when offering motions. Atty. Petrillo noted the last page of the document is an FYI in that it includes proposed language that is sent to each licensee as part of their consent agreement. Atty. Petrillo noted licensees are often confused over the ethics exam requirement, i.e. how to request a copy of the exam and when is the exam due.

Further, Atty. Petrillo noted licensees are also confused as to how to locate acceptable CEUs to satisfy the terms of their consent agreements. Atty. Petrillo stated there is no standard posted on the Board's website as to acceptable courses and noted she would prefer to make it easier for licensees to find acceptable courses. However Ms. Young noted the Board does not recommend CEUs for licensure renewal and that there are many organizations that are not CERP or AGD approved but still provide acceptable CEUs. Dr. Scialabba agreed noting PACE and

CERP are the two biggest providers of CEUs and suggested including a reference to these two organizations is useful as a guide for licensees. Ms. Young asked if this reference would be included in the cover letter to a consent agreement or posted on the Board's website; Atty. Petrillo replied it could be both but noted the Board does not need to decide that issue today.

Dr. Trowbridge asked if an ethics course offered by CERP or PACE is acceptable without Ms. Fishman's pre-approval; Ms. Young replied it might be problematic to remove the pre-approval requirement.

5. Consideration of "Letter of Intent" Memo – Executive Director Barbara A. Young, RDH

Dr. Mouhab Rizkallah participated in the discussion, via WebEx, of this subject.

Ms. Young submitted a proposed memo for posting on the Board's website clarifying the parameters of what is required for a "letter of intent" and by whom as there is remains quite a bit of confusion in the dental community as to what is required of a dentist and who qualifies for this statutory exception to dental assistant licensure. Dr. Scialabba stated he generally agreed with the proposed memo but asked why front desk staff are prohibited from using the letter of intent exception; Ms. Young replied the parameters of who qualified for this exception were set by the Board shortly after we went live with licensing dental assistants. But Dr. Scialabba asked why the term "zero experience" is included; Drs. Jacob and Trowbridge agreed and suggested removing this term from the memo. Ms. Young stated the Board, at the time, was concerned with staff multi-tasking in a dental office, i.e. front desk staff is asked to disinfect an operatory between patients as the dentist and dental assistant were behind schedule or engaged elsewhere. Ms. Young noted if that practice continues, then front desk staff have crossed over into the area of dental assisting and must be licensed. Dr. Trowbridge replied then we would be excluding people from practicing as dental assistants; Ms. Young replied not necessarily noting this is only an exception to the statutory licensure requirement so the alternative is to seek licensure before practicing as a dental assistant. Atty. Petrillo suggested reworking the language of this memo and resubmitting the memo to the Board for its consideration during its April 2023 meeting; Ms. Young agreed.

Dr. Rizkallah thanked the Board for the opportunity to address its members on this subject and stated he approved of the Board's flexibility in this area. Dr. Rizkallah noted the ADA is leading nationwide efforts to recruit more individuals to the field of dental assisting but opined the central problem to the decline in available dental assistants is the requirement each individual must submit proof of a valid Social Security Number (SSN). Atty. Petrillo advised the Board that issue is not on the agenda for today's meeting and thus cannot be discussed by the Board. Atty. Petrillo noted the Board does not have discretion to waive any statutory requirement and suggested to Dr. Rizkallah that he send an email to Ms. Young listing the areas he would like the Board to consider; Dr. Rizkallah agreed to do so.

6. Review of the General Session Minutes of the Board Meeting on February 1, 2023

Motion: To approve the General Session Minutes of the February 1, 2023, Board meeting
Motion Made By: Ms. Jacyn Stultz
Second: Ms. Stacy Haluch
Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob, Ms. Stacy Haluch, Ms. Jacyn Stultz
Opposed: None
Abstain: Ms. Jennifer McKeon, Ms. Ailish Wilkie

Complaint Resolution – Investigator Deborah El-Majdoubi

--In the Matter of DEN-2020-0105: Brooke Carriere, RDA

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

Allegation(s): Unlicensed practice by a dental assistant

Materials Reviewed: Investigative report with attachments

Discussion: Ms. El-Majdoubi informed the Board it is alleged this licensee practiced on an expired license from 12/5/19 to 6/5/20 but noted the licensee and her dentist employer have indicated the licensee was only employed as front desk staff during this time period. Ms. El-Majdoubi did note the licensee was late in responding to this complaint.

Motion: To dismiss the complaint as no evidence of violation found with an advisory letter on timely response to a Board inquiry.

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Jacyn Stultz

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob, Ms. Stacy Haluch, Ms. Jacyn Stultz, Ms. Jennifer McKeon, Ms. Ailish Wilkie
Opposed: None
Abstain: None

Complaint Resolution – Investigator Deborah El-Majdoubi

--In the Matter of DEN-2020-0106: Dr. Alex Callejas

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

Allegation(s): Employment of an unlicensed dental assistant

Materials Reviewed: Investigative report with attachments

Discussion: Ms. El-Majdoubi informed the Board this licensee is the dentist who employed Ms. Carriere as a dental assistant but noted the licensee did provide a letter with Ms. Carriere's application that stated he was her employer. Ms. El-Majdoubi noted the licensee provided an updated letter in response to this complaint.

Motion: **To dismiss the complaint as no evidence of violation found.**

Motion Made By: Ms. Jacyn Stultz

Second: Ms. Ailish Wilkie

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob, Ms. Stacy Haluch, Ms. Jacyn Stultz, Ms. Jennifer McKeon, Ms. Ailish Wilkie
Opposed: None
Abstain: None

Complaint Resolution – Investigator Rhonda Heard

--In the Matter of DEN-2022-0060: Dr. Alex Callejas

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

Allegation(s): Employment of an unlicensed dental assistant

Materials Reviewed: Investigative report with attachments

Discussion:

Ms. Heard informed the Board the licensee employed another dental assistant who practiced on an expired license from 11/1/21 to 2/14/22 and stated he reminded his staff about renewing their licenses but learned the dental assistant at issue had not so he discharged that dental assistant from his practice until her license was renewed.

Atty. Petrillo informed the Board there is a significant backlog of cases awaiting drafting of consent agreements and noted there has been a push within the bureau to change the way cases are handled from a punitive approach to more of a just culture posture, i.e. use the complaint process as an opportunity to educate licensees on the requirements. Atty. Petrillo noted the Board has previously offered licensees a consent agreement for stayed probation with remedial coursework but noted this approach may not achieve the Board's or bureau's goals and is very resource heavy. Atty. Petrillo advised the Board she is asking for a shift in the Board's policy on resolving cases of unlicensed practice, i.e. instead of offering a consent agreement for stayed probation, dismiss the case with an advisory letter on the licensure and CEU requirements. But Atty. Petrillo noted this policy shift would only apply to first time offenses for unlicensed practice. Atty. Petrillo noted this policy shift is consistent with the goal of just culture and frees bureau resources to focus on more serious cases. Atty. Petrillo stated she will also be asking the Board for a shift in its staff action policy on unlicensed practice cases.

Ms. Stultz noted the Board did the advisory letter route but noted it did not work so the Board decided to go with the consent agreement for stayed probation route. Atty. Petrillo replied if by it did not work you mean the intent was for the licensee who violated these regulations to get the message than that is acceptable but if the intent is to educate licensees on what is required then this approach is not sustainable as there are insufficient resources in DPH. Atty. Petrillo noted some of the pending cases date back to 2018 and suggested the way to achieve the Board's and bureau's goals is to educate licensees and get individuals properly licensed. Atty. Petrillo stated an advisory letter would achieve those goals.

But Ms. Stultz noted this is the second complaint for employing an unlicensed dental assistant filed against this dentist; Atty. Petrillo agreed but noted the first complaint was dismissed because there was no evidence that dental assistant actually practiced as a dental assistant while her license was expired. Dr. Scialabba agreed with the policy shift noting the Board must utilize its resources more efficiently. Dr. DiFabio noted there are approx. 180 unlicensed practice cases pending out of more than 500 active cases.

Dr. Trowbridge asked if a formal policy was necessary; Atty. Petrillo replied a formal policy is not required but the Board's vote will set a precedent for application to future cases.

Ms. Haluch asked how the Board would know if it were a first offense; Atty. Petrillo replied the investigative report would include a recommendation from Dr. DiFabio. Ms. Young agreed but noted that recommendation must only come from Dr. DiFabio and not from the assigned investigator; Atty. Petrillo agreed noting that process is currently used by other boards in the bureau. Dr. Trowbridge stated he understood the resource issue but noted several dental assistants may practice under one dentist so how would "first offense" be defined; Atty. Petrillo replied there is no written policy on what constitutes a first offense as it is for the Board to decide. Ms. Stultz asked about the breakdown of the pending 180 cases, i.e. how many are dental assistants? How many are dentists? Dr. DiFabio replied she does not have that information at this time. Atty. Petrillo reiterated the current practice does not make sense when considering the bureau's goals and is unsustainable.

Dr. Trowbridge asked what happened to the complaint against the dental assistant at issue in this matter; Ms. Heard replied the dental assistant's case has yet to be considered by the Board.

Motion: **To dismiss the complaint as no evidence of violation found with an advisory letter on the licensure requirements, timely renewal and continuing education requirements.**

Motion Made By: Dr. Michael Scialabba

Second: Dr. Richard T. Miller

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob, Ms. Stacy Haluch, Ms. Ailish Wilkie, Ms. Jennifer McKeon
Opposed: Dr. Thomas Trowbridge, Ms. Jacyn Stultz
Abstain: None

Flex Session:

1. Ms. Young reminded the Board it decided to resume in-person meetings with the next Board meeting on Wednesday, April 5, 2023. Ms. Wilkie asked where the meetings would be held; Ms. Young replied in the second floor conference room at 600 Washington Street, Boston. Atty. Petrillo advised the Board the meeting may be held in-person unless the government requires a hybrid format or extends the March 31st

Board of Registration in Dentistry
General Session Agenda & Minutes
March 1, 2023
(Approved by the Board on June 7, 2023)

deadline. Further Atty. Petrillo noted the Passover holiday is scheduled to begin that evening. Mr. Mills informed the Board he will provide parking options and Dr. Scialabba indicated he may not be available for the April 5th meeting. Ms. Young replied if Dr. Scialabba is not available then Dr. Trowbridge will chair the meeting.

At 10:05 a.m., Dr. Scialabba announced that the Board will meet in a closed session, beginning at 10:45 a.m., as authorized 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 discuss and evaluate pending disciplinary complaints that involve patient records and the treatment of patients. The 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 enter a closed session pursuant to M.G.L. c. 112, §65C before returning to its General Session and adjourning the meeting for the day.

Motion: At 10:06 a.m. to enter an Executive Session pursuant to M.G.L. c. 30A, §21 (a)(1)

Motion Made By: Dr. Thomas Trowbridge

Second: Ms. Ailish Wilkie

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob, Ms. Stacy Haluch, Ms. Jacyn Stultz, Ms. Ailish Wilkie, Ms. Jennifer McKeon
Opposed: None
Abstain: None

The Board took its morning recess at 10:07 a.m. and resumed its meeting at 10:46 a.m.

Motion: At 11:27 a.m. to enter a closed M.G.L. c. 112, §65C Session

Motion Made By: Dr. Thomas Trowbridge

Second: Ms. Ailish Wilkie

Board of Registration in Dentistry
General Session Agenda & Minutes
March 1, 2023
(Approved by the Board on June 7, 2023)

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,
Dr. Richard T. Miller, Dr. Sabina Malla, Dr. Seema Jacob,
Ms. Stacy Haluch, Ms. Jacyn Stultz, Ms. Ailish Wilkie,
Ms. Jennifer McKeon
Opposed: None
Abstain: None

Dr. Richard T. Miller left the meeting for the day at 12:07 p.m.

Motion: **At 12:26 p.m. to adjourn the meeting**

Motion Made By: Dr. Michael Scialabba

Second: Ms. Ailish Wilkie

Vote: **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,
Dr. Sabina Malla, Dr. Seema Jacob, Ms. Stacy Haluch,
Ms. Jacyn Stultz, Ms. Ailish Wilkie, Ms. Jennifer McKeon
Opposed: None
Abstain: None

Respectfully submitted,

Barbara A. Young, RDH, JD
Executive Director

Date: March 17, 2023