

**COMMONWEALTH OF MASSACHUSETTS**

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

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

**AGENDA**

Time	#	Item	Exhibits	Contact
8:30 a.m.	I	<b>CALL TO ORDER, DETERMINATION OF QUORUM, AND APPROVAL OF AGENDA</b>		
8:32	II	<b>ADMINISTRATIVE MATTERS</b> A- Board Elections for Chair/Secretary B- Reactivation of Complaint Committee C- GMC Licensure Report D- Blast E-Mail Regarding Dental Assistant Licensure E- Posting on Board's Website Re: CEUs Audit F- Posting on Board's Website Re: Permit D-B1 & D-B2 Inspections G- Request of Waiver of TOEFL Score: Limited License Applicant Dr. Nadine Cordero	Memos, Attachments	B. Young
9:30	III	<b>REVIEW OF PROPOSED CHANGES TO 234 CMR</b>	Memo, Attachments	S. Leadholm
10:15	IV	<b>COMPLAINT RESOLUTION: PENDING BOARD MATTERS</b> A-DEN-2014-0104: Dr. Jacinthe Giroux B-SA-INV-6529: Dr. Arvinder Sawhney C-SA-INV-7513: Dr. Anshu Goel D-DEN-2015-0026: Diane Goggin, RDH E-DEN-2015-0090: Dr. Amy Palmer F-DEN-2015-0021: Roberta Dickens, RDH G-DEN-2014-0050: Dr. Gregory Wu H-DEN-2014-0051: Dr. Richard Demerjian I-DEN-2014-0052: Dr. Sarah Kim J-DEN-2014-0053: Dr. Julia Barnard K-DEN-2014-0054: Dr. Samyuktha Sampath	Investigative Reports, Attachments	S. Millar, D. Taylor, L. Seeley-Murphy
11:00	V	<b>REVIEW OF MINUTES OF PRIOR GENERAL SESSION MEETINGS</b> A-Meeting of July 1, 2015 B-Meeting of September 2, 2015 C-Meeting of October 7, 2015	Draft Minutes	B. Young
11:15	VI	<b>FLEX SESSION</b>		
11:30	VII	<b>M.G.L.c.112, §65C SESSION (closed to the public)</b>		
12 Noon		<b>LUNCH BREAK</b>		

1:00 p.m.	VIII	<b>EXECUTIVE SESSION (closed to the public)</b>  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 individuals with respect to the Good Moral Character requirement for initial licensure.  Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients.  Specifically, the Board will discuss pending litigation: Commonwealth of Mass., et al. v. Donald Sydor, Suffolk Superior Court, C.A. 2015-00780-F.		
4:00		<b>ADJOURNMENT</b>		

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

**Present:** Dr. David Samuels, Board Chair; Ms. Ailish Wilkie, Board Secretary; Dr. Paul Levy; Dr. Stephen DuLong; Dr. Cynthia Stevens; Dr. John Hsu; Dr. Ward Cromer; Ms. Kathleen Held; Ms. Jacyn Stultz, RDH; Ms. Lois Sobel, RDH

**Absent:** Dr. Keith Batchelder

**Board 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.

**DHPL Staff Present:** James Lavery, Division Director; Atty. Vita Berg, Chief Board Counsel

*Ms. Ailish Wilkie left the meeting for the day at 8:48 a.m.*

*Dr. Paul Levy left the meeting for the day at 10:13 a.m.*

*Dr. John Hsu left the meeting for the day at 11:15 a.m.*

*Ms. Lois Sobel left the meeting for the day at 2:35 p.m.*

**Motion:** At 8:30 a.m., to commence the meeting and to adopt the proposed agenda for today's meeting.

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. Stephen DuLong

**Vote:** Unanimous

**Administrative Matters:**

**A. Elections for BORID Chair and Secretary**

Ms. Stultz thanked the Board for her nomination for BORID Secretary but respectfully declined the nomination. Dr. Samuels asked if there were any other nominations; no reply was given. Accordingly Dr. Samuels announced the nominations for BORID Chair and Secretary were closed and invited each candidate to make a brief statement.

Dr. DuLong noted he has a history of active participation in other related agencies such as ADEX and AADB and that he attends the meetings of these organizations throughout the year bringing information from each meeting to the Board. Dr. DuLong noted he supports the Mass. Dental Society and its efforts in assisting its members stating he has been a member for many years but noted there might be an ethical issue as he is concerned as a recent president of the MDS is now chair of BORID. Dr. DuLong expressed concern that this relationship between the MDS and the BORID might lead some to believe a bias exists noting former BORID Chairs Dr. Mina Paul and Dr. Cynthia Stevens are also MDS members but have never held a position as an officer of the MDS.

Dr. Samuels stated he believed Dr. DuLong would be a great chair but he was encouraged to run because he felt the Board was in disarray citing issues in the past including dental clinics shutting down without the knowledge of the Board and agendas being set without the knowledge of the Board. Dr. Samuels stated he believes he can improve relations with Board staff and improve the reputation of the Board in the dental community. Dr. Samuels noted he has traveled around the state meeting with groups of licensees in an attempt to mend fences. Dr. Samuels noted much work has been accomplished to turn the Board around and asked his fellow members for another year to finish the work he has begun.

Dr. Cromer expressed concern with a sequential roll call as it could influence the vote of members called later on. Dr. Levy stated he agreed with a paper ballot and Ms. Wilkie stated she agreed with Ms. Young reading the votes aloud. The Board members agreed to conduct the elections by paper ballot and to have the results read aloud by Ms. Young.

**1. BORID Chair**

5 votes for Dr. Stephen DuLong (Dr. John Hsu; Ms. Lois Sobel; Ms. Kathleen

	Held; Dr. Cynthia Stevens; Dr. Stephen DuLong)
4 votes for Dr. David Samuels	(Ms. Ailish Wilkie; Dr. David Samuels; Dr. Ward Cromer; Dr. Paul Levy)
1 abstention	(Ms. Jacyn Stultz)

## 2. BORID Secretary

10 votes for Ms. Ailish Wilkie	(Dr. John Hsu; Ms. Lois Sobel; Ms. Kathleen Held; Dr. Cynthia Stevens, Dr. Stephen DuLong; Ms. Ailish Wilkie; Dr. David Samuels; Dr. Ward Cromer; Dr. Paul Levy; Ms. Jacyn Stultz)
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*Ms. Ailish Wilkie left the meeting for the day at 8:48 a.m.*

## B. Complaint Committee

Dr. Samuels proposed the idea of reactivating the Board's Complaint Committee (CC) and suggested the committee could meet monthly or quarterly. Dr. Hsu stated he liked the idea expressing concern about a recent complaint heard by the Board regarding an oral surgeon. Dr. Samuels noted three members must agree to appear at each complaint committee meeting. Ms. Stultz asked why the CC was abandoned; Dr. Samuels replied he asked former chair Dr. Mina Paul but Dr. Paul couldn't remember why the CC ended. Ms. Stultz suggested the arrangement of the CC needs to be addressed especially the expertise of each member present at the CC. Dr. Samuels noted the Board can draft its own guidelines for the CC. Atty. Leadholm advised the Board the CC must follow the rules of the open meeting law. Dr. Hsu asked if would be possible for the full board to revisit a decision of the CC to not open a formal complaint; Ms. Young noted that would be redundant. Dr. Samuels asked if the packet sent to the CC members could also be sent to the full board and suggested the Board try one or two CC meetings before deciding to make this a permanent addition. Mr. Mills suggested ending a regular Board meeting early and holding the CC in the same afternoon. Dr. DiFabio suggested removing all standard of care cases from the CC's consideration; Dr. Hsu agreed. Ms. Young noted that might create a problem with notice to the licensees. Atty. Leadholm advised the Board it's possible to eliminate the executive session portion of the CC hearing.

Dr. Samuels suggested separating the CC from the regular Board meeting for the first couple of meetings but Dr. Hsu noted some Board members would have travel conflicts if the CC is not held on the same day as a regular Board meeting. Ms. Young suggested holding the first CC meeting in March 2016; the Board agreed.

**Motion:** To Reactive the BORID Complaint Committee

**Motion Made By:** Dr. Stephen DuLong

**Second:** Dr. John Hsu

**Vote:** Unanimous

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

Pursuant to BORID Policy 14-01, the following licenses were issued between 11/2/15 and 12/1/15:

Rachel McGahie	Dental Hygienist	DH88959
Johanna Champlin	Dental Hygienist	DH88964
Tamara Wilson	Dental Assistant (OJT)	DA06491
Shea Duarte	Dental Assistant (CA)	DA06649
Shade L. Gabbin	Dental Assistant (OJT)	DA06725
Luis Orlando Anes	Dental Assistant (OJT)	DA06752
Mary E. Pennucci	Dental Assistant (FTDA)	DA06772

**D. Blast Email Regarding Dental Assistant Licensure**

Ms. Young submitted a draft email to be sent to all licensed dentists who have provided an email address to the Board regarding a deadline for dental assistant licensure. Ms. Young informed the Board hundreds of dental assistants have submitted incomplete licensure applications that Board staff has been trying to complete without much success. Ms. Young also noted Board staff is aware of hundreds of dental assistants who have yet to submit licensure applications even though the Board started accepting these applications in Oct. 2014. Further Ms. Young noted that the majority of newly issued dental assistant licenses expired on Oct. 31, 2015, but numerous dental assistants had yet to renew their licenses.

Ms. Stultz asked about the possibility of Board members and Board staff manning a booth at the next Yankee Dental Congress in late January 2016. Mr. Mills asked about the cost of such a booth; Ms. Stultz replied booths cost upwards of \$400. Dr. Samuels noted many of the dental and dental hygiene schools have hospitality booths. Ms. Held suggested targeting the dentists is more important as they are employing these dental assistants. Dr. Samuels reiterated his position that the Board should have focused on licensing dental labs before licensing dental

assistants due to a greater risk of harm to the public from dental labs. Dr. DuLong suggested the expiration date be highlighted in bold letters in the blast email. The Board members approved the proposed blast email as written.

#### **E. BORID Announcement Regarding Upcoming CEU Audit**

Dr. Samuels stated he was concerned about this decision to randomly audit CEU compliance by dentists as heavy handed and intrusive. Further Dr. Samuels asked if it was possible for the Board's current software program to register CEUs for licensees as the goal was to increase compliance and to make it easier for licensees to register their CEUs. Atty. Berg noted DHPL will review and part of this push is as a result of the task group on opioid abuse asking each licensing board what it is doing to enforce training on effective pain management by all prescribers. Dr. Stevens suggested gearing the audit towards effective pain management and infection control compliance. Dr. DiFabio suggested auditing dentists for compliance with effective pain management, infection control and Basic Life Support/CPR certification.

Dr. DiFabio asked what would happen if it is discovered a licensee is not in compliance; Dr. Samuels suggested offering the licensees a consent agreement for stayed probation including the completion of all required CEUs. Atty. Berg noted the nursing home administrators and respiratory care boards are permitting a licensee to remediate their CEU deficiencies before opening complaints against the licensees. Atty. Berg suggested complaints not be opened as this is the first audit by the dental board in several years.

Ms. Stultz suggested that since effective pain management is the trigger, why not ask for proof of compliance at licensure renewal for all dentists; Atty. Berg stated that was possible but would result in a significant increase in the amount of work and complaints against licensees. Mr. Lavery stated the goal of the audit is to increase compliance and not to burden licensees noting nothing currently exists to give licensees an incentive to comply. Mr. Lavery noted the Board has the discretion to resolve this issue by setting its own criteria for the audit. Dr. Cromer noted this would be a perfect opportunity to assess fines for non-compliance; Mr. Lavery agreed but stated that can only occur if and when the legislature passes such legislation.

Dr. DiFabio noted this also provides an opportunity to increase the no. of permissible CEUs through webinars or online courses. Dr. Samuels asked if a Board vote was necessary to move ahead with this audit; Mr. Lavery replied a vote was not necessary but the language of the announcement was important. Ms. Stultz noted that for this audit to work in the manner intended there needs to be appropriate staffing levels to handle the results. Dr. Cromer asked if there was any research on whether an audit actually increases compliance but Ms. Young noted the standard of 40 CEUs for all licensed dentists per licensure cycle was adopted by the Board in December 1995. Dr. DiFabio noted more online courses are needed and suggested the Board encourage the Mass. Dental Society to offer more courses. Atty. Berg suggested pushing the audit start date back to July 1, 2016, as that will permit dentists to complete the required 40 CEUs within the licensure grace period; the Board agreed.

#### **F. Permit B Inspections**

Ms. Young informed the Board of an announcement to be posted on the Board's website regarding the upcoming scheduled inspection of all permit B locations that have no record of inspection. Dr. DiFabio reminded the Board these inspections will be announced and scheduled

for a time mutually convenient to the permit holder and OPP dental investigators. Ms. Stultz asked if the permit holders would be provided a copy of the Board's inspection checklist; Dr. DiFabio replied they would be and the inspection checklist is available to all licensees on the Board's website. Dr. DiFabio also informed the Board permit Bs were initially issued beginning in 1998 but site inspections were not begun until 2005.

**Consideration of an Application for Initial First-Time Limited License Dental Intern License (Request for Waiver of TOEFL Score): Dr. Nadine Cordero**

*Dr. Stephen DuLong recused himself from the discussion and vote of the Board on the Request for a Waiver of TOEFL Scores by Licensure Applicant Dr. Nadine Cordero. The applicant was present for the discussion and vote of the Board answering all questions as appropriate.*

Dr. Cordero informed the Board she studied dentistry in Costa Rica and is currently enrolled in a post-graduate program at the Boston University Goldman School of Dentistry. Dr. Cordero also stated she took the TOEFL exam twice. Dr. Samuels asked the applicant for her score on her first attempt; Dr. Cordero replied she couldn't recall but remembers not passing the essay section. Dr. Samuels asked if there was any precedent as to how the Board has handled these requests in the past; Atty. Leadholm advised the Board it has approved another applicant's request for a waiver within the last year. Dr. Hsu opined he would not have requested a waiver but rather would have retaken the exam himself. Dr. Samuels asked how often the exam is offered; Dr. Cordero replied as often as an applicant would like. Ms. Stultz asked if it was possible for an applicant to only repeat the sections he/she failed; Dr. Cordero replied that was not permitted. Dr. Hsu asked the applicant if she planned on staying in the US after her post-graduate program ended; Dr. Cordero replied she's likely returning to Costa Rica.

**Motion:** To Deny the Request for a Waiver of the TOEFL exam

**Motion Made By:** Dr. John Hsu

**Second:** Ms. Jacyn Stultz

Dr. Cromer noted he did not support the motion as the applicant is fluent in English; Dr. Levy agreed stating the Board should be flexible when considering these requests. Dr. Cordero stated she was only in the US to complete the masters' program at BUSDM.

**Vote:** In Favor: Dr. John Hsu

Opposed: Ms. Lois Sobel; Ms. Kathleen Held; Dr. Cynthia Stevens; Ms. Ailish Wilkie; Dr. David Samuels; Dr. Ward Cromer; Dr. Paul Levy; Ms. Jacyn Stultz

Abstain: None

**(Motion failed – Waiver granted by default)**

**G. Review of Proposed Changes to 234 CMR**

**1. 234 CMR 4.00**

Atty. Berg advised the Board the proposed changes would permit a licensee to petition for retirement and have his/her license status indicate same as long as the licensee intends to permanently retire and has no open investigations, complaints or probationary periods. Further the retired category would only apply to those licensees age 60 plus and may include those licensees who seek to retire due to serious medical issues. Atty. Berg also advised the Board it would be granted the discretion to remove a license from retired status if a licensee seeks to renew his/her license. Finally, Atty. Berg advised the proposed changes would remove the requirement that all retired licensees complete 40 CEUs every licensure cycle. Dr. DuLong asked why the proposed changes to 4.17(2)(b) includes “in all other jurisdictions?” Atty. Berg replied because it is the intent to assure permanent retirement by a dentist as in the end of career resolution but stated the Board could remove this clause if it prefers. Dr. Levy asked if an “inactive” license status could be included; Atty. Berg replied this is possible but more work would be necessary to define “inactive.”

**2. 234 CMR 9.00**

Atty. Berg advised the Board the proposed changes primarily focus on changes to disciplinary actions by the Board. Atty. Berg stated the goal is to bring uniformity to how licensees are disciplined across the division and to clarify investigatory proceedings. Further, Atty. Berg stated the intent is to expand the list of possible disciplinary actions, to clarify the summary process and to empower the Board chair to act on behalf of the Board in emergency situations. Atty. Berg also noted the proposed changes would clarify the roles of the executive director and assistant executive director. Dr. Samuels asked if this would include the most senior Board member; Atty. Berg replied it would not in that if the executive director is not available, then the assistant executive director would respond or the Board secretary if the Board chair is not available or the next longest serving Board member if the Board chair and secretary are unavailable.

Dr. Samuels noted language referencing the complaint committee needs to be added to 9.02. Dr. Samuels also noted 9.03(1)(L) should be amended to include disciplinary action for unlicensed practice that has more impact as currently the Board can only refer these cases to the AGO’s office for prosecution. Atty. Berg noted 9.04(7) in the proposed changes lays the ground work for assessing fines for regulatory violations.

Dr. Samuels noted 9.00(W) should include the ADA’s position on intersocial relationships with patients and should include sexual harassment. Atty. Berg noted the proposed language remains unchanged from the current regulations that reference boundary violations with patients.

<b>Motion:</b>	<b>To refer the proposed changes to 234 CMR 9.00 to the Executive Office of Health and Human Services for approval</b>
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**Motion Made By:** Dr. Cynthia Stevens

**Second:** Dr. John Hsu

**Vote:** Unanimous

**Motion:** **To schedule the proposed changes to 234 CMR 9.00 for public hearing if approved by the Executive Office of Health and Human Services**

**Motion Made By:** Dr. John Hsu

**Second:** Dr. Stephen DuLong

**Vote:** Unanimous

**Motion:** **To refer the proposed changes to 234 CMR 4.00 to the Executive Office of Health and Human Services for approval**

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. Cynthia Stevens

**Vote:** Unanimous

**Motion:** **To schedule the proposed changes to 234 CMR 4.00 for public hearing if approved by the Executive Office of Health and Human Services**

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. Cynthia Stevens

**Vote:** Unanimous (Dr. Stephen DuLong abstained)

*Dr. Paul Levy left the meeting for the day at 10:13 a.m.*

**Complaint Resolution—Investigator Sarah Millar**

**--In the Matter of DEN-2014-0104: Dr. Jacinthe Giroux**

*The licensee and Thomas Bright, Esq. were present for the discussion and vote of the Board on this matter. The licensee answered all questions as appropriate. Atty. Bright recorded the hearing.*

**Allegation:** Unlicensed Practice

**Discussion:** The licensee stated she discovered her license has lapsed by mistake as she was going through a difficult period in her life. The licensee said she contacted Ms. Young as soon as she discovered her license had expired. Ms. Young reminded the Board if voted to reactivate the licensee's license at its Sept. 2014 meeting. Ms. Stultz asked about CEUs; Atty. Leadholm advised the Board the licensee completed 58 CEUs (40 CEUs for the 2012-2014 licensure cycle and 18 CEUs for the 2014-2016 licensure cycle).

**Motion:** **To offer a Consent Agreement for a Probation until March 31, 2016, to include the completion of 22 deficient CEUs for the 2014-2016 licensure cycle.**

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

**Motion Made By:** Dr. Stephen DuLong

**Second:** Dr. Cynthia Stevens

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

**Complaint Resolution—Investigator Sarah Millar**

**--In the Matter of SA-INV-6529: Dr. Arvinder Sawhney**

*Thomas 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:** Advertising Violation

**Discussion:** After the presentation by Ms. Millar, the Board opted not to discuss the matter.

**Motion:** **To not open a formal complaint as no evidence of violation found (licensee had remediated advertising violation).**

**Motion Made By:** Dr. Stephen DuLong

**Second:** Ms. Lois Sobel

**Amended Motion:** To not open a formal complaint as no evidence of violation found with an advisory letter on advertising regulations.

**Amended Motion Made By:** Dr. Stephen DuLong

**Second:** Ms. Jacyn Stultz

**Vote:** Unanimous

**Complaint Resolution—Investigator Danielle Taylor**

**--In the Matter of SA-INV-7513: Dr. Anshu Goel**

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

**Allegation:** Advertising Violation

**Discussion:** After the presentation by Ms. Taylor, the Board opted not to discuss the matter.

**Motion:** To not open a formal complaint as no evidence of violation found with an advisory letter on advertising regulations.

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. John Hsu

**Vote:** Unanimous

**Complaint Resolution—Investigator Danielle Taylor**

**--In the Matter of DEN-2015-0026: Diane Goggin, RDH**

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

**Allegation:** Unlicensed Practice

**Discussion:** Ms. Stultz asked if the licensee explained why her license had lapsed for four years; Ms. Taylor replied the licensee stated she did not receive the renewal notice and didn't realize the Board hadn't sent her another reminder. Dr. DuLong asked if there was any precedent for discipline of a licensee whose license had lapsed for so long; Atty. Leadholm advised the Board it had no precedent for a censure within the last 1 ½ yrs.

Dr. Cromer suggested tabling the case and inviting the licensee to appear to explain and so the Board can express how serious it considered this lapse to the licensee. Atty. Leadholm advised that was possible but the licensee already responded to the Board's complaint.

**Motion:** To offer a Consent Agreement for Probation for 6 Months to include the completion of 1 deficient CEU for the 2013-2015 licensure cycle.

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

**Motion Made By:** Dr. John Hsu

**Second:** Ms. Lois Sobel

**Amended Motion:** To offer a Consent Agreement for Probation for 1 Year to include the completion of 1 deficient CEU for the 2013-2015 licensure cycle.

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

**Amended Motion Made By:** Dr. John Hsu

**Second:** None

**Amended Motion:** To offer a Consent Agreement for Probation for 1 Year to include the completion of 1 deficient CEU for the 2013-2015 licensure cycle and the following remedial coursework:

- 6 Hours: Ethics

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

**Amended Motion Made By:** Ms. Lois Sobel

**Second:** Dr. John Hsu

**Vote:** Unanimous

**Complaint Resolution—Investigator Danielle Taylor**

**--In the Matter of DEN-2015-0090: Amy J. Palmer, RDH**

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

**Allegation:** Unlicensed Practice

**Discussion:** After the presentation by Ms. Taylor, the Board opted not to discuss the matter.

**Motion:** **To offer a Consent Agreement for Stayed Probation for 6 Months to include the completion of the following remedial coursework:**

- **6 Hours: Ethics**

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

**Motion Made By:** Dr. Stephen DuLong

**Second:** Dr. Cynthia Stevens

**Discussion:** Dr. Hsu opined six months is too long a period for a licensee to practice without a valid license.

**Amended Motion:** **To offer a Consent Agreement for Probation for 6 Months to include the completion of the following remedial coursework:**

- **6 Hours: Ethics**

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

**Amended Motion Made By:** Ms. Jacyn Stultz

**Second:** Ms. Lois Sobel

**Vote:** Unanimous (Dr. David Samuels abstained)

**Complaint Resolution—Investigator Danielle Taylor**

**--In the Matter of DEN-2015-0021: Roberta Dickens, RDH**

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

**Allegation:** Unlicensed Practice

**Discussion:** Ms. Taylor informed the Board the licensee had practiced for six years on an expired license from 2009 to 2015 and was deficient 13 CEUs for 3 licensure cycles.

**Motion:** To offer a Consent Agreement for Probation for 1 Year to include the completion of 13 deficient CEUs and the following remedial coursework:

- 6 Hours: Ethics

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

**Motion Made By:** Dr. John Hsu

**Second:** Ms. Lois Sobel

**Vote:** Unanimous

**Complaint Resolution—Investigator Lisa Seeley-Murphy**

**--In the Matter of DEN-2014-0050: Dr. Gregory Wu**

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

**Allegation:** Infection Control Violation; Practicing Without a Valid Permit

**Discussion:** Ms. Seeley-Murphy informed the Board the licensee owned this dental practice since Aug. 2013 and was operating a mobile dental facility without a valid permit. Dr. Stevens asked what services the licensee was providing; Ms. Seeley-Murphy replied the licensee provided all dental services to patients at nursing homes or assisted living facilities. Dr. Samuels asked if the licensee had a home office; Ms. Seeley-Murphy replied he did not have a home office just a base office and three mobile vans.

Dr. Samuels asked if there was any precedent for resolving this type of complaint; Atty. Leadholm advised the Board that a consent agreement for probation is generally offered if the infection control violations are significant. Dr. Stevens asked if any limited licensees worked for the licensee; Ms. Seeley-Murphy replied no.

**Motion:** **To offer a Consent Agreement for a Reprimand.**

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

**Motion Made By:** Dr. John Hsu

**Second:** Ms. Jacyn Stultz

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

**Complaint Resolution—Investigator Lisa Seeley-Murphy**

**--In the Matter of DEN-2014-0051: Dr. Richard Demerjian**

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

**Allegation:** Infection Control Violations; Practicing Without a Valid Permit

**Discussion:** Ms. Seeley-Murphy informed the Board this licensee was an associate dentist and worked for Dr. Wu one day per week for two years.

**Motion:** **To offer a Consent Agreement for a Reprimand.**

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

**Motion Made By:** Dr. Cynthia Stevens  
**Second:** Ms. Lois Sobel  
**Vote:** **In Favor:** Dr. Cynthia Stevens  
**Opposed:** Ms. Lois Sobel; Dr. John Hsu; Ms. Jacyn Stultz;  
Ms. Kathleen Held; Dr. David Samuels; Dr. Stephen DuLong  
**Abstain:** Dr. Ward Cromer

**(Motion Failed)**

**Motion:** **To offer a Consent Agreement for Stayed Probation for 6 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:** Dr. John Hsu  
**Second:** Dr. Stephen DuLong  
**Vote:** **In Favor:** Ms. Lois Sobel; Dr. John Hsu; Ms. Jacyn Stultz;  
Ms. Kathleen Held; Dr. David Samuels; Dr. Stephen DuLong;  
Dr. Ward Cromer  
**Opposed:** Dr. Cynthia Stevens  
**Abstain:** None

**Complaint Resolution—Investigator Lisa Seeley-Murphy**

**--In the Matter of DEN-2014-0052: Dr. Sarah Kim**

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

**Allegation:** Infection Control Violations; Practicing Without a Valid Permit

**Discussion:** Ms. Seeley-Murphy informed the Board this licensee was an associate dentist and worked for Dr. Wu two days per week.

**Motion:** **To offer a Consent Agreement for Stayed Probation for 6 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:** Dr. John Hsu

**Second:** Ms. Kathleen Held

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

**Complaint Resolution—Investigator Lisa Seeley-Murphy**

**--In the Matter of DEN-2014-0053: Dr. Julia Barnard**

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

**Allegation:** Infection Control Violations; Practicing Without a Valid Permit

**Discussion:** Ms. Seeley-Murphy informed the Board this licensee was an associate dentist and worked for Dr. Wu three days per week until Aug. 2014 when she left the practice because of a disagreement with the business manager.

**Motion:** **To dismiss the complaint as no evidence of violation found with an advisory letter on infection control regulations.**

**Motion Made By:** Dr. Stephen DuLong

**Second:** Ms. Jacyn Stultz

**Vote:** Unanimous

**Complaint Resolution—Investigator Lisa Seeley-Murphy**

**--In the Matter of DEN-2014-0054: Dr. Samyuktha Sampath**

*Ms. Kathleen Held recused herself from the discussion and vote of the Board on complaint DEN-2014-0054: Dr. Samyuktha Sampath.*

*The licensee and Megan Kures, Esq. were present for the discussion and vote of the Board on this matter. The licensee answered all questions as appropriate and Atty. Kures recorded the hearing.*

**Allegation:** Infection Control Violations; Practicing Without a Valid Permit

**Discussion:** Ms. Seeley-Murphy informed the Board this licensee left Dr. Wu's practice on Nov. 1, 2015. The licensee stated she worked approx. 4 days per week for 2 years. Further, the licensee stated she observed a dental assistant do spore tests but didn't follow up on whether the dental assistant was keeping a log or sending the indicator out for testing. Dr. Samuels asked the licensee why she left Dr. Wu's practice; the licensee replied she secured a full time position at another practice.

**Motion:** To offer a Consent Agreement for Stayed Probation for 6 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:** Dr. Cynthia Stevens

**Second:** Ms. Jacyn Stultz

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

*The Board took its morning recess at 11:15 a.m. and resumed its meeting at 11:22 a.m.*

*Dr. John Hsu left the meeting for the day at 11:15 a.m.*

#### **Administrative Matters (cont'd):**

##### **H. Review of Prior General Sessions Minutes**

**Motion:** To adopt the General Session Minutes of July 1, 2015

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. Stephen DuLong

**Vote:** Unanimous

**Motion:** To adopt the General Session Minutes of September 2, 2015

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. Ward Cromer

**Vote:** Unanimous

**Motion:** To adopt the General Session Minutes of October 7, 2015

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. Ward Cromer

**Vote:** Unanimous

**I. Flex Session**

**1. Workgroup Quorum**

Ms. Young informed the Board the regulatory review workgroup members include Board members Dr. Stevens, Ms. Sobel, Ms. Wilkie and Drs. David Lustbader, Trowbridge, Pirner and Rowe. The next workgroup meetings are scheduled for Dec. 16, 2015, and Jan. 6, 2016. Atty. Leadholm advised the Board it needs to vote to establish the quorum for the workgroup. Board members agreed to add this issue to the agenda for the Jan. 20, 2016, meeting.

**2. Outside Speaking Engagements**

Mr. Mills reminded the Board members that they must notify him and/or Ms. Young if any Board member has agreed to appear before another agency, school, professional organization, constituent, etc.

**3. Dental Hygiene Survey**

Ms. Sobel asked if any progress had been made on the survey to be sent to each hygienist with his/her licensure renewal. Ms. Young replied she and Mr. Mills just met with staff from the DPH Office of Oral Health to review the dentists' survey and wouldn't likely meet to discuss the hygienists' survey until the fall of 2016.

**4. Prescription Monitoring Program (PMP)**

Dr. DuLong stated he received an inquiry from Dr. Mina Paul regarding the requirement all dentists indicate during licensure renewal in March 2016 that they will begin using the PMP. Ms. Young replied that this requirement was not yet in place. Dr. DuLong suggested inviting Dr. Paul to appear before the Board to update its members on the PMP.

**Motion:** At 11:37 a.m., to enter a M.G.L. c.112, §65C Session

**Motion Made By:** Dr. Stephen DuLong

**Second:** Ms. Lois Sobel

**Vote:** Unanimous

**Motion:** At 11:47 a.m., to leave the M.G.L. c.112, §65C Session

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. Ward Cromer

**Vote:** Unanimous

*The Board recessed for lunch at 11:48 a.m. and resumed its meeting at 1:00 p.m.*

*At 1:00 p.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 adjourn the meeting for the day.*

**Motion:** At 1:01 p.m., to enter Executive Session pursuant to M.G.L. c. 30A, §21(a)(1)

**Motion Made By:** Dr. Stephen DuLong

**Second:** Dr. Ward Cromer

**Vote:** Unanimous

*Ms. Sobel left the meeting for the day at 2:35 p.m.*

**Motion:** At 3:53 p.m., to leave Executive Session and to adjourn the meeting

**Motion Made By:** Dr. Stephen DuLong

**Second:** Dr. Ward Cromer

**Vote:** Unanimous

Respectfully submitted,

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Ms. Ailish Wilkie, Board Secretary

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Date