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COMMONWEALTH OF MASSACHUSETTS

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

February 1, 2017

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>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) 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.  Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients.  Specifically, the Board will discuss and evaluate the Good Moral Character of an applicant for licensure.		
9:15	III	<b>M.G.L.c.112, §65C SESSION (closed to the public)</b>		
9:20	IV	<b>COMPLAINT RESOLUTION—PENDING BOARD MATTERS</b> 1. DEN-2015-0102: Dr. William Caldwell 2. DEN-2016-0046: Dr. Sadina Roselin 3. DEN-2016-0047: Dr. Robert Orenstein 4. DEN-2016-0048: Rebecca Harvey, RDH 5. DEN-2016-0049: Kelley Hagan, RDH	Investigation Reports, Attachments	E. Mulligan, D. Taylor

9:50	<b>V</b>	<b>ADMINISTRATIVE MATTERS</b> 1. Review of Board Meeting General Session Minutes of January 18, 2017 2. Review of Complaint Committee General Session Minutes of January 18, 2017 3. Board Officer Term Limits 4. Update: Yankee Dental Congress 5. Update: CDCA Meeting 6. Proposed Task Group on Alternative Pathways to Licensure 7. Assessment of Fines Discussion	Draft Minutes	B. Young
10:30	<b>VI</b>	<b>FLEX SESSION</b>		
10:40	<b>VII</b>	<b>PROBATION MATTER</b> Notice of Violation--Hearing DEN-2014-0058: Dr. Paul Freedman	Notice, Memo	S. Leadholm K. Fishman
11:00	<b>VIII</b>	<b>ADJUDICATORY SESSION (closed to the public)</b>		
11:30		<b>ADJOURNMENT</b>		

**MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY**  
**239 Causeway Street, Boston, MA 02114**  
**Room 417**  
**GENERAL SESSION MINUTES**  
**February 1, 2017**

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

**Absent:** Dr. Keith Batchelder; Dr. Patricia Wu

**Board Staff Present:** Barbara A. Young, Executive Director; Jeffrey Mills, Asst. 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, Danielle Taylor and Barbara Yates.

**Motion:** **At 8:32 a.m., to commence the meeting and to adopt the proposed agenda for today's meeting.**

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

**Second:** Dr. Cynthia Stevens

**Vote:** Unanimous

*Dr. Ward Cromer and Dr. John Hsu arrived for the meeting at 8:38 a.m.*

*Ms. Ailish Wilkie arrived for the meeting at 8:41 a.m.*

*At 8:33 a.m., Dr. DuLong 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. 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 M.G.L. c.112, §65C Session then return to an open session and then enter a closed Adjudicatory Session before adjourning the meeting for the day.*

**Motion:** At 8:34 a.m., to enter Executive Session pursuant to M.G.L. c. 30A, §21(a)(1)

**Motion Made By:** Dr. Cynthia Stevens

**Second:** Ms. Jacyn Stultz

**Vote:** **In Favor:** Dr. Stephen DuLong; Dr. Cynthia Stevens; Dr. Paul Levy; Ms. Jacyn Stultz; Ms. Lois Sobel; Ms. Kathleen Held  
**Opposed:** None  
**Abstain:** None

*The Board took its morning recess at 9:59 a.m. and resumed its meeting at 10:07 a.m.*

**Motion:** At 10:08 a.m., to enter a M.G.L. c.112, §65C Session

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

**Second:** Dr. Ward Cromer

**Roll-Call Vote:** **In Favor:** Dr. Stephen DuLong; Ms. Ailish Wilkie; Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Lois Sobel; Dr. Paul Levy; Ms. Kathleen Held; Dr. John Hsu; Dr. Ward Cromer  
**Opposed:** None

**Abstain:** None

**Complaint Resolution – Investigator Eileen Mulligan**

**--In the Matter of DEN-2015-0102: Dr. William G. Caldwell**

*The licensee and Richard Beretta, Jr, Esq. were present for the discussion and vote of the Board on this matter. The licensee answered all questions as appropriate.*

**Allegation(s):** Out of State Discipline

**Discussion:** Ms. Mulligan informed the Board the licensee has fulfilled all requirements of the consent agreement with the NH dental board. Dr. DuLong asked about the licensee's compliance with CEU requirements; Ms. Mulligan replied the licensee was deficient 17 CEUs for the 2012-2014 licensure cycle but completed 63 CEUs for the 2014-2016 licensure cycle. The licensee apologized for the deficiency noting he was getting divorced at the time and overlooked his CEU compliance.

Dr. Stevens asked the licensee where he practiced; the licensee replied in NH and Mass. Dr. DuLong asked the licensee if he was aware of the delegable duties chart for auxiliaries; the licensee replied he was. Atty. Beretta stated it was a unique circumstance in NH as the licensee only practiced 1 day per week at the NH practice and was mistakenly informed the dental assistant at issue was DANB-certified assistant. Dr. DuLong asked who filed the NH complaint; Atty. Beretta replied a patient.

Ms. Stultz asked the licensee if he had any questions about the Mass. regulations; the licensee replied he did not.

**Motion:** **To dismiss the complaint with an advisory letter on the CEU and delegable duties regulations.**

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

**Second:** Dr. Cynthia Stevens

**Vote:** Unanimous

**Complaint Resolution – Investigator Danielle Taylor**

**--In the Matter of DEN-2016-0046: Dr. Sadina Roselin**

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

**Allegation(s):** General Practice Standards

**Discussion:** Ms. Taylor informed the Board the licensee renewed her dental license on 4/14/16 but submitted a request for a waiver of the 40 CEUs required for licensure renewal in June 2016.

**Motion:** **To offer a Consent Agreement for Stayed Probation for 6 Months to include the completion of 8 deficient CEUs and the following remedial coursework:**

- **3 Hours: Ethics (live course only)**

**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:** Unanimous

**Complaint Resolution – Investigator Danielle Taylor**

**--In the Matter of DEN-2016-0047: Dr. Robert I. Orenstein**

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

**Allegation(s):** Infection Control Violations

**Discussion:** Ms. Taylor informed the Board the licensee's office was inspected during an audit of all facility permit B holders who acquired their permits at a time when inspections were not required. Ms. Taylor reported several infection control violations were found during the inspection inc. a lack of weekly spore testing for approx. 3 yrs. Further, Ms. Taylor reported the licensee and his hygienist admitted the hygienist administered nitrous oxide oxygen to her patients. Ms. Taylor noted the licensee was in compliance as of May 2016. Atty. Leadholm advised the Board the licensee signed a voluntary agreement not to practice until his practice was in compliance. Ms. Taylor noted the licensee sold his practice in Sept. 2016 and retired.

Atty. Leadholm advised the Board it could seek an agreement for a voluntary surrender from the licensee or offer the licensee a consent agreement for censure.

**Motion:** **To offer a Consent Agreement for a Voluntary Surrender of the licensee's dental license**

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

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

**Second:** Dr. John Hsu

**Vote:** Unanimous

### **Complaint Resolution – Investigator Danielle Taylor**

#### **--In the Matter of DEN-2016-0048: Rebecca S. Harvey, RDH**

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

**Allegation(s):** Infection Control Violations; Practicing Beyond the Scope

**Discussion:** Ms. Taylor informed the Board this licensee is the hygienist employed by Dr. Orenstein. Ms. Stultz asked how long the licensee worked for Dr. Orenstein; Ms. Taylor replied approx. 17 yrs.

**Motion:** **To offer a Consent Agreement for a Voluntary Surrender of the licensee's dental hygiene license**

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

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

**Second:** None

**Discussion (cont'd):** Atty. Leadholm advised the Board a voluntary surrender is significant and suggested the Board consider a suspension followed by a probationary period.

**Motion:** **To offer a Consent Agreement for a Suspension for 1 Month to be followed by Probation for 3 Years to include the following remedial coursework:**

- **3 Hours: Infection Control**
- **3 Hours: Ethics**
- **3 Hours: Risk Management**

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

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

**Second:** Ms. Ailish Wilkie

**Discussion (cont'd):** Dr. Levy stated he disagreed with a suspension and indicated a probationary period would be sufficient. But Ms. Held noted the licensee did not take responsibility for what occurred and therefore a suspension is warranted. Atty. Leadholm asked why a probationary period after a suspension and suggested instead a lengthy probationary period but Ms. Stultz opined the licensee is aware of her responsibilities.

**Amended Motion:** **To offer a Consent Agreement for a Suspension for 1 Month to be followed by a Stayed Probation for 6 Months with the same remedial coursework as previously stated.**

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

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

**Second:** Dr. Cynthia Stevens

**Vote:** Unanimous

**Complaint Resolution – Investigator Danielle Taylor**

**--In the Matter of DEN-2016-0049: Kelley R. Hagen, RDH**

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

**Allegation(s):** Infection Control Violations

**Discussion:** Ms. Taylor informed the Board this licensee was also employed by Dr. Orenstein but Ms. Wilkie noted the licensee worked 1 day per week for approx. 1 yr. Ms. Wilkie asked if the licensee also administered nitrous oxide oxygen to her patients; Ms. Taylor replied she did noting the licensee graduated from a Pennsylvania hygiene school where this service is permitted for hygienists.

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

- **3 Hours: Infection Control**
- **3 Hours: Risk Management**
- **3 Hours: Ethics**

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

**Motion Made By:** Ms. Ailish Wilkie

**Second:** None

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

- **3 Hours: Infection Control**
- **3 Hours: Risk Management**
- **3 Hours: Ethics**

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

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

**Second:** Ms. Ailish Wilkie



**Vote:** Unanimous

**Administrative Matters:**

**A. Review of the Complaint Committee General Session Minutes of January 18, 2017**

**Motion:** To approve the General Session Minutes of the January 18, 2017, Complaint Committee meeting

**Motion Made By:** Dr. Ward Cromer

**Second:** Dr. Paul Levy

**Vote:** **In Favor:** Dr. Paul Levy; Dr. Ward Cromer  
**Opposed:** None  
**Abstain:** Ms. Ailish Wilkie

**Motion:** To adopt the recommendations of the January 18, 2017, Complaint Committee

**Motion Made By:** Ms. Ailish Wilkie

**Second:** Dr. Cynthia Stevens

**Vote:** Unanimous

**B. Board Officer Term Limits**

Atty. Leadholm noted Dr. Batchelder had requested this issue be included in the Board's agenda but Dr. Batchelder is not present today.

**Motion:** To table the discussion on Board Officer Term Limits

**Motion Made By:** Dr. Ward Cromer

**Second:** Dr. John Hsu

**Vote:** Unanimous

**C. Yankee Dental Congress 2017 Update**

Dr. DuLong noted he, Mr. Mills, Ms. Wilkie and Dr. Batchelder all participated in the BORID Update course and that the course was well attended and received. Mr. Mills noted there was some confusion by a dental assistant whether CEUs were mandatory for licensure renewal as she had been told none were required. Ms. Wilkie agreed noting there were several questions

about CEUs from attendees and some questions from dentists about the MassPAT program. Mr. Mills also stated he received a question from a dentist interested in a voluntary license but noted only 5 voluntary licenses have been issued to date. Mr. Mills also indicated two dentists, one assistant and one hygienist expressed interest in joining the regulatory review workgroup.

#### **D. CDCA Meeting Update**

Dr. DuLong reported the recent CDCA meeting was attended by himself, Dr. Stevens, Ms. Wilkie, Dr. Cromer and Dr. Batchelder. Dr. DuLong stated a presentation was given about the difference in communication between generations; Dr. Cromer agreed noting the presentation was not about which group was right or wrong in the manner they choose to communicate but rather about the differences in methods used by the generations to communicate, e.g. texting vs. instant messaging.

Ms. Wilkie reported the issue regarding public board member participation in the CDCA was again discussed noting the bylaws were changed approx. 2 yrs. ago permitting a public board member to retain membership in the CDCA only until the time the public member no longer serves on his/her respective board.

Dr. DuLong reported a dental hygienist Ms. Karen Dunn from Massachusetts was appointed to the CDCA steering committee. Ms. Wilkie noted former Board member Dr. Milton Glicksman was also appointed as an alternate. Dr. DuLong noted several proposals to the bylaws were submitted but not all were adopted. Dr. DuLong noted he asked all board presidents from 22 states present at the meeting on their respective ability to testify before the legislature on pending legislation; Dr. DuLong noted only 7 states permit board members to testify and 2 said that was not permissible.

#### **E. Notice of Violation – Probation Monitor Karen Fishman**

##### **--In the Matter of DEN-2014-0058: Dr. Paul R. Freedman**

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

Atty. Leadholm advised the Board Ms. Fishman submitted this case to the Board as there was a question as to whether the information provided by the licensee was sufficient. The licensee indicated he completed a continuing education course on managing medical emergencies. Ms. Fishman stated she made an error noting she received an email from the licensee in late Nov. but did not send the notice of violation of probation until Dec. The licensee noted he did have glucose present in his office as required and is not in violation of his probation as alleged by Ms. Fishman on that issue. The licensee stated he asked for guidance on what the Board was seeking with regards to monthly training but did not receive a response.

Atty. Leadholm advised the Board the question is whether the licensee is in compliance with the terms of his consent agreement especially paragraph 5. Ms. Young asked when the

probationary period is due to end; Ms. Fishman replied on Sept. 14, 2016. The licensee noted he had difficulty finding appropriate courses. Ms. Stultz asked if the licensee has completed all terms of his consent agreement; Ms. Fishman replied yes as of Nov. 30, 2016.

**Motion:** **To terminate the licensee's probationary period as of Nov. 30, 2016**

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

**Second:** Dr. Paul Levy

**Vote:** Unanimous

#### **F. Proposed Task Group on Alternative Pathways to Licensure**

Dr. DuLong noted legislation to adopt PGY1 as an alternate pathway to licensure has been filed in cooperation with the three deans of the Boston-area dental schools. Dr. DuLong noted it is important for the Board to consider this issue as the Board is charged with protecting the public and stated he is interested in forming a task group to study this issue. Further Dr. DuLong indicated he would like to invite former Board chair Dr. Mina Paul and Dr. Bruce Donoff, dean of the Harvard School of Dental Medicine to participate in the task group. Dr. DuLong also indicated he would like to have at least 3 Board members to participate and anticipated only 1 or 2 meetings would be required. Ms. Wilkie opined the goal of the task group would be to inform the Board. Dr. DuLong indicated 1 Board member would then report the highlights of the task group meetings to the full Board.

Dr. DuLong also noted the ADA, the dental educators' association and the dental students' association have joined efforts to come up with an exam that is similar to the OSCE exam used in Canada. Dr. DuLong noted the task group should also consider the portfolio method as that pathway to licensure is currently acceptable in California. Atty. Leadholm advised the Board it has no statutory authority to comment on pending legislation and the decision on whether PGY1 would be acceptable is up to the legislature. Ms. Wilkie asked if the Board could come to a consensus about its position on PGY1 for submission to the DPH commissioner; Atty. Leadholm replied that is not expressly provided for in the Board's enacting statutes. But Dr. DuLong opined the DPH legislative liaison may be called to testify without accurate information. Ms. Wilkie noted a PGY1 workgroup was formed by former Board chair Dr. Mina Paul. Mr. Mills noted the Board was asked to testify on the local anesthesia legislation. Ms. Stultz noted the DPH commissioner is proactive with evidence based decision making and asked if a white paper had been submitted by Dean Donoff; Dr. DuLong replied Dean Donoff wrote an article on the PGY1 issue several years ago.

**Motion:** **To include a discussion on the PGY1 issue in the general session agenda for the March 2017 Board meeting**

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

**Second:** Dr. Ward Cromer

**Vote:** Unanimous

**G. Assessment of Fines**

Atty. Leadholm noted Dr. Batchelder had requested this issue be included in the Board's agenda but Dr. Batchelder is not present today.

**Motion:** **To table the discussion on assessing monetary fines**

**Motion Made By:** Dr. Ward Cromer

**Second:** Dr. John Hsu

**Vote:** Unanimous

**Motion:** **At 11:55 a.m., to enter an Adjudicatory Session**

**Motion Made By:** Dr. Cynthia Stevens

**Second:** Ms. Jacyn Stultz

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

**Opposed:** None

**Abstain:** None

**Flex Session:**

Ms. Stultz noted a NH company has been formed to provide tele dentistry and the company has hired a hygienist licensed in NH. Ms. Stultz also noted Delta Dental may start requiring this service despite any regulations being created to deal with this issue. Ms. Sobel noted a dentist at the Tufts dental school was given authority to do so by the Board through the dentist's PDO permit. Ms. Stultz suggested the NH hygienist will work via mobile connection to conduct periodontal charting, etc. Ms. Wilkie asked if the company is using non-Massachusetts licensed individuals; Ms. Stultz replied the hygienist is licensed in NH but doesn't know if the hygienist also holds a Mass. license. Atty. Leadholm advised the Board an attempt to constrain these individuals might implicate the FTC v. No. Carolina dental board case. Dr. DuLong

suggested this issue should be considered by the regulatory review workgroup. Ms. Wilkie suggested contacting the AADB for information; Ms. Stultz volunteered to do so.

*Dr. Cromer left the meeting for the day at 12:02 p.m.*

**Motion:** At 12:03 p.m. to adjourn the meeting for the day

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

**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

Respectfully submitted,

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Ms. Ailish Wilkie, Board Secretary

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Date