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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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COMMONWEALTH OF MASSACHUSETTS

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

January 18, 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 a pending disciplinary complaint that involves a patient record and treatment of a patient.  Specifically, the Board will discuss and evaluate the Good Moral Character of applicants for licensure.  Specifically, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence of a licensee.		
9:30	III	<b>M.G.L.c.112, §65C SESSION (closed to the public)</b>		

9:35	IV	<b>COMPLAINT RESOLUTION—PENDING BOARD MATTERS</b> 1. DEN-2015-0055: Dr. Joseph Areias 2. DEN-2015-0056: Maureen Briggs, RDH 3. DEN-2015-0057: Ashlei Vohnoutka, RDH 4. DEN-2015-0112: Dr. Mary Qiming Qian 5. DEN-2015-0113: Dr. Fatima Maarouf 6. DEN-2015-0114: Dr. Camila Rasner 7. DEN-2015-0115: Lisa M. Chapman, RDH 8. DEN-2015-0116: Tracy M. Weldon, RDH 9. DEN-2015-0117: Lori Fanning-Szarka, RDH 10. SA-INV-9012: Dr. Richard SanSouci	Investigation Reports, Attachments	K. O'Connell, L. Seeley-Murphy, B. Young
10:10	V	<b>ADMINISTRATIVE MATTERS</b> 1. Review of General Session Minutes of December 7, 2016 2. Good Moral Character Licensure Report 3. Course on Safe and Effective Prescribing of Opioids	Draft Minutes, Report, Course Description	B. Young
10:25	VI	<b>PROBATION MATTERS</b> 1. Notice of Violation--Hearing DEN-2014-0058: Dr. Paul Freedman 2. Monthly Probation Monitor Report	Notice, Memo, Report	S. Leadholm K. Fishman
10:50	VII	<b>FLEX SESSION</b> Includes discussion of PGY-1 as alternate path to dental licensure		
11:00	VIII	<b>LEGAL MATTERS</b> 1. Collection of SSN/DOR Suspension 2. Conflict of Interest/ Board Member Indemnification	Memo, Power Point Presentation	V. Berg
11:45		<b>ADJOURNMENT</b>		

**MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY**  
**239 Causeway Street, Boston, MA 02114**  
**Room 417**  
**GENERAL SESSION MINUTES**  
**January 18, 2017**

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

**Absent:** Dr. Keith Batchelder; Ms. Lois Sobel, RDH; Ms. Kathleen Held

**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:** Dr. Cynthia Stevens

**Second:** Ms. Lois Sobel

**Vote:** Unanimous

*Ms. Wilkie chaired the meeting from 8:32 a.m. to 9:51 a.m. when Dr. DuLong arrived.*

*At 8:33 a.m., Ms. Wilkie 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 an M.G.L. c.112, §65C Session then return to an open 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:** Dr. Patricia Wu

**Vote:** **In Favor:** Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer;  
Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Ailish Wilkie  
**Opposed:** None  
**Abstain:** None

*Dr. John Hsu arrived for the meeting at 8:51 a.m.*

*Dr. Stephen DuLong arrived for the meeting at 9:35 a.m.*

**Complaint Resolution – Investigator Kathleen O'Connell**

**--In the Matter of DEN-2015-0055: Dr. Joseph J. Arcias**

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

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

**Discussion:** Ms. O'Connell informed the Board a compliance inspection was conducted on 7/22/15 and the licensee is not yet in compliance as he has yet to submit proof of the remediation of deficiencies found during the inspection, e.g. proof of a current emergency drug kit and portable oxygen cylinder. Dr. Cromer asked Ms. O'Connell if she had any idea why the licensee has yet to comply; Ms. O'Connell replied she sent 4 letters to the licensee detailing what he needed to do but he has not responded appropriately. Ms. O'Connell stated the licensee's hygienist said the items were ordered but she has yet to receive any evidence of such.

**Motion:** To join DEN-2015-0055 and DEN-2015-0007

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

**Second:** Dr. Cynthia Stevens

**Vote:** Unanimous

**Motion:** To offer a Consent Agreement for Probation for 18 Months to include the completion of 18 CEUs for the 2012-2014 licensure cycle and the following remedial coursework:

- 6 Hours: Record Keeping
- 6 Hours: Infection Control
- 6 Hours: Risk Management

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

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

**Second:** Dr. Cynthia Stevens

**Amended Motion:** To offer a Consent Agreement for Probation for 18 Months including the conditions as previously detailed and to include the provision that the licensee must submit proof of the remediation of all deficiencies within 30 days of the effective date of the Consent Agreement.

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

**Second:** Dr. Ward Cromer

**Vote:** **In Favor:** Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer;  
Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Ailish Wilkie;  
Dr. John Hsu  
**Opposed:** None  
**Abstain:** Dr. Stephen DuLong

**Complaint Resolution – Investigator Kathleen O’Connell**

**--In the Matter of DEN-2015-0056: Maureen E. Briggs, RDH**

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

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

**Discussion:** Ms. O’Connell informed the Board the licensee was a hygienist employed by Dr. Areias at the time of the inspection but the hygienist no longer works for Dr. Areias. Ms. Stultz asked how long the licensee worked for Dr. Areias; Ms. O’Connell replied approx. 16 yrs.

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

- **6 Hours: Infection Control**
- **6 Hours: Risk Management**

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

**Motion Made By:** Dr. Paul Levy

**Second:** None

**Discussion (cont’d):** Ms. Wilkie asked if the licensee has already completed an infection control course; Ms. O’Connell replied she says she has but Ms. O’Connell has yet to receive proof. Dr. Levy suggested the infection control course be in person only.

**Amended Motion:** **To offer a Consent Agreement for Stayed Probation for 6 Months with all terms as previously stated but to include a note the remedial coursework must be completed in person.**

**Amended Motion Made By:** Dr. Paul Levy

**Second:** Dr. John Hsu

**Discussion (cont'd):** Atty. Leadholm asked the reason for 6 hours in infection control; Dr. Hsu replied to reiterate to the licensee the importance of infection control protocols. But Dr. Cromer noted it makes no sense for a licensee to repeat the same course a second time. Ms. Stultz suggested a hands on infection control course would be warranted.

**Second Amended Motion:** To offer a Consent Agreement for Stayed Probation for 8 Months to include the following remedial coursework as previously stated:

- 3 Hours: Infection Control (in person course only)
- 3 Hours: Infection Control (online course acceptable)
- 6 Hours: Risk Management

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

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

**Second:** Dr. John Hsu

**Vote:** **In Favor:** Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer; Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong  
**Opposed:** None  
**Abstain:** None

**Complaint Resolution – Investigator Kathleen O’Connell**

**--In the Matter of DEN-2015-0057: Ashlei F. Vohnoutka, RDH**

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

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

**Discussion:** Ms. O'Connell informed the Board this hygienist was also employed by Dr. Areias but has since left the practice. Ms. Wilkie asked why the licensee left the practice; Ms. O'Connell replied the licensee filed a complaint with OSHA and Dr. Areias fired the licensee. Ms. Stultz asked if the licensee was a recent graduate of hygiene school; Ms. O'Connell replied she was but noted the licensee is now enrolled in nursing school. Ms. Stultz suggested the licensee should be credited with trying to do the

right thing at this office.

**Motion:** **To offer a Consent Agreement for Stayed Probation for 3 Months to include the following remedial coursework:**

- **3 Hours: Infection Control (in person course only)**

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

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

**Second:** Dr. Cynthia Stevens

**Vote:** **In Favor:** Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer; Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong  
**Opposed:** None  
**Abstain:** None

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

**--In the Matter of DEN-2015-0112: Dr. Mary Qiming Qian**

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

**Allegation(s):** Providing Portable Dental Services Without a Clinic License;  
Infection Control Violations

**Discussion:**

Ms. Seeley-Murphy informed the Board this licensee is the dental director for a mobile dental facility and operated the facility without a proper clinic license as the entity is not wholly owned by a dentist. Ms. Seeley-Murphy stated the company ceased all activity until it could secure the proper clinic license and the licensee resigned as dental director in Dec. 2015. Atty. Leadholm advised the Board the company is owned by a podiatrist. Ms. Seeley-Murphy noted the licensee first applied for a PDO permit from the Board but was referred to BHCQ when it was learned the company was owned by a non-dentist.

Dr. DuLong asked if the spore testing was completed weekly; Ms. Seeley-Murphy replied it was not noting the testing of the 3 autoclaves used by staff was inconsistent. Ms. Wilkie asked if the company received its clinic license; Ms. Seeley-Murphy replied it did in April 2016.

**Motion:**

**To offer a Consent Agreement for Probation for 3 Months to include the following remedial coursework:**

- **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. DuLong suggested disciplinary action is not warranted and suggested a consent agreement for stayed probation should be offered; Dr. Stevens replied the Board needs to be consistent in its enforcement of weekly spore testing and should be a priority.

**Vote:**

**In Favor:** Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer;  
Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Ailish Wilkie;  
Dr. John Hsu; Dr. Stephen DuLong

**Opposed:** None

**Abstain:** None

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

**--In the Matter of DEN-2015-0113: Dr. Fatima H. Maarouf**

*The licensee and Barbara Hayes Buell, Esq. were present for the discussion and vote of the Board on this matter. The licensee answered all questions as appropriate.*



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

**Discussion:** Ms. Seeley-Murphy informed the Board the licensee was an associate dentist at the same mobile dental facility noting the licensee only worked 1-2 days per month from Aug. 2012 to Dec. 2014.

Dr. Levy asked the licensee if she was aware of the infection control issues; the licensee replied not necessarily as the hygienist in charge stated weekly spore testing was done. The licensee also noted the practice used a lot of disposable instruments.

Dr. Levy asked the licensee why she resigned; the licensee replied she did so because she was unaware of the permit and infection control issues. Ms. Stultz asked the licensee what she has learned; the licensee replied patient safety is very important and that she should routinely follow up with staff to ensure

proper infection control procedures are followed.

**Motion:** To dismiss the complaint with an advisory letter on the infection control and permitting regulations.

**Motion Made By:** Dr. Paul Levy

**Second:** Ms. Ailish Wilkie

**Vote:** **In Favor:** Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer; Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Ailish Wilkie; Dr. Stephen DuLong  
**Opposed:** None  
**Abstain:** Dr. John Hsu

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

**--In the Matter of DEN-2015-0114: Dr. Camila Rasner**

*The licensee and Vincent Dunn, Esq. were present for the discussion and vote of the Board on this matter.*

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

**Discussion:** Ms. Seeley-Murphy informed the Board this licensee was also a part-time associate dentist at the mobile dental facility but only worked 1-2 days per month from June 2012 to Aug. 2014.

Dr. Levy asked the licensee if she was aware of the issues; the licensee replied only when she was contacted by the investigator for a response to the allegations.

**Motion:** To dismiss the complaint with an advisory letter on the infection control and permitting regulations.

**Motion Made By:** Dr. Paul Levy

**Second:** Ms. Ailish Wilkie

**Vote:** **In Favor:** Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer; Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Ailish Wilkie; Dr. Stephen DuLong; Dr. John Hsu  
**Opposed:** None  
**Abstain:** None

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

**--In the Matter of DEN-2015-0115: Lisa M. Chapman, RDH**

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

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

**Discussion:** Ms. Seeley-Murphy informed the Board this licensee worked part-time as hygienist for the mobile dental facility from Feb. 2010 to Feb. 2012 but has been full-time since then and is the employee responsible for conducting weekly spore testing.

**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

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

**Motion Made By:** Dr. Paul Levy

**Second:** Dr. Patricia Wu

**Discussion (cont'd):** Ms. Seeley-Murphy noted the staff no longer transports an autoclave to each location but rather all testing is now done at the main office.

**Vote:** **In Favor:** Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer;  
Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Ailish Wilkie;  
Dr. Stephen DuLong  
**Opposed:** None  
**Abstain:** Dr. John Hsu

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

**--In the Matter of DEN-2015-0116: Tracy M. Weldon, RDH**

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

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

**Discussion:** Ms. Seeley-Murphy informed the Board this hygienist was employed by the same mobile dental facility and worked 3 days per week and shared responsibility for maintaining weekly spore testing. Ms. Stultz noted the licensee said her autoclave was always tested noting the licensee holds a current PDO permit.

**Motion:** **To dismiss the complaint with an advisory letter on the infection control regulations.**

**Motion Made By:** Dr. Paul Levy

**Second:** Dr. Patricia Wu

**Vote:** **In Favor:** Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer;  
Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Ailish Wilkie;  
Dr. Stephen DuLong  
**Opposed:** None  
**Abstain:** Dr. John Hsu

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

**--In the Matter of DEN-2015-0117: Lori Fanning-Szarka, RDH**

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

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

**Discussion:** Ms. Seeley-Murphy informed the Board this licensee only worked 1 day at the mobile dental facility before the inspection was conducted and is no longer employed by the facility.

**Motion:** **To dismiss the complaint.**

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

**Second:** Ms. Jacyn Stultz

**Vote:** **In Favor:** Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer; Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Ailish Wilkie; Dr. Stephen DuLong; Dr. John Hsu  
**Opposed:** None  
**Abstain:** None

**Complaint Resolution – Investigator Danielle Taylor**

**--In the Matter of SA-INV-9012: Dr. Richard Sansouci**

**Allegation(s):** Patient Abandonment; Inferior Treatment; Inappropriate Prescribing; Fraud

**Discussion:** Ms. Young informed the Board it was learned the licensee died while the investigation was pending.

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

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

**Second:** Dr. Cynthia Stevens

**Second:** Ms. Jacyn Stultz

**Vote:** **In Favor:** Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer; Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Ailish Wilkie; Dr. Stephen DuLong; Dr. John Hsu  
**Opposed:** None  
**Abstain:** None

*The Board took its morning recess at 10:23 a.m. and resumed its meeting at 10:31 a.m.*

**Administrative Matters:**

**A. Review of the General Session Minutes of December 7, 2016**

**Motion:** To approve the General Session Minutes of December 7, 2016

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

**Second:** Ms. Jacyn Stultz

**Vote:** **In Favor:** Dr. Patricia Wu; Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Ailish Wilkie; Dr. Stephen DuLong  
**Opposed:** None  
**Abstain:** Dr. John Hsu; Dr. Paul Levy; Dr. Ward Cromer

**B. GMC Licensure Report - Executive Director Barbara A. Young**

Pursuant to BORID Policy 14-01, the following licenses were issued between 11.3.16 and 1.17.17:

Samantha Hadley	Dental Assistant (OJT)	DA08816	Issued effective 11.22.16
Kimberly Mertell	Dental Assistant (OJT)	DA08841	Issued effective 11.29.16

**C. Course on Safe and Effective Opioid Prescribing/Pain Management**

Ms. Young introduced Dr. David Keith, an oral surgeon at MGH and Ms. Dorrey Powers of the Mass. Dental Society and informed the Board both were invited as Dr. Keith teaches a course on opioid prescribing through the MDS. Ms. Young stated the purpose of their presentation was to seek the Board's approval of each course on opioid prescribing offered by Dr. Keith.

Dr. Keith explained the details of his course and provided a presentation noting the course will be offered to licensees in three formats: at the Yankee Dental Congress as a standard course, at the Yankee Dental Congress as a "fast track" course composed of 6 parts and through a webinar offered by the MDS. Ms. Young asked if the webinar would be made available to non-MDS members; Ms. Powers replied it would for a fee. Ms. Stultz asked how long the course is; Dr. Keith replied approx. 2 hours. Ms. Stultz asked if the course would include a pre-test and post-test; Dr. Keith replied it would. Ms. Stultz noted the proper use of the PMP needs to be emphasized as well; Dr. Keith replied that all three of his lectures will cover the PMP or MassPAT program.

Ms. Wilkie asked if it was possible to learn how many dentists have signed up for the MassPAT program as compared to the no. of licensed dentists; Mr. Mills replied that might be possible once the drug control staff moves to our location. Atty. Leadholm advised the Board it must determine the proposed courses meet all six educational objectives of MGL c. 93C, s. 18(e) before approving the courses. Dr. Keith noted the original course was designed to meet the objectives of the 2011 requirements but the course has been revised to include all current educational criteria of s. 18(e) and proceeded to read the criteria to the Board. Dr. DuLong asked if an attendee receives a certificate at the conclusion of the course; Ms. Powers replied attendance at the Yankee Dental Congress will be included on the course registry and webinar

attended will receive a certificate. Atty. Leadholm asked if an attendee at the 6-part course must complete all 6 parts to receive credit; Dr. Keith replied an attendee must complete 3 of the 5 parts, not including the section on headaches, in order to receive credit.

**Motion:** To approve the 2017 Yankee Dental Congress “fast track” 6 part course with the provision an attendee must complete at least 3 of the 5 parts to receive credit.

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

**Second:** Ms. Jacyn Stultz

**Vote:** **In Favor:** Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer; Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Ailish Wilkie; Dr. Stephen DuLong; Dr. John Hsu  
**Opposed:** None  
**Abstain:** None

**Motion:** To approve the 2017 Yankee Dental Congress 2 hour course with the understanding this course will be offered twice yearly at MDS headquarters or on occasion at a MDS constituent meeting

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

**Second:** Ms. Jacyn Stultz

**Vote:** **In Favor:** Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer; Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Ailish Wilkie; Dr. Stephen DuLong; Dr. John Hsu  
**Opposed:** None  
**Abstain:** None

**Motion:** To approve the MDS webinar as detailed by Dr. David Keith

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

**Second:** Ms. Jacyn Stultz

**Vote:** **In Favor:** Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer; Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Ailish Wilkie; Dr. Stephen DuLong; Dr. John Hsu  
**Opposed:** None  
**Abstain:** None

**D. Notice of Violation – Probation Monitor Karen Fishman**

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

Ms. Young informed the Board this matter has been deferred to the Feb. 1, 2017, meeting at the request of the licensee.

**E. Probation Monthly Report for Period of 11.30.16 to 1.3.17**

**Probation Monitor Karen Fishman**

Ms. Young submitted Ms. Fishman's monthly probation report to the Board. The Board had no questions for Ms. Young or Ms. Fishman.

**F. Collection of SSN/DOR Suspension**

Chief Board Counsel Vita Berg informed the Board a licensee's license is subject to revocation by the Mass. Dept. of Revenue for the non-payment of taxes or child support. Atty. Berg stated the bureau is trying to adopt the same policy for use by all boards within the bureau to ensure consistency. Ms. Wilkie asked if the dental board has been informed of any revocations to date; Atty. Berg replied yes noting three licenses have been revoked per order of the DOR to date.

Dr. DuLong asked about acquiring a licensee's SSN noting some foreign dentists who apply for programs at the BUSDM face this issue. Atty. Berg noted a licensure application will be accepted without a SSN if the application is submitted by the applicant from outside the US or if the applicant has applied for a visa to enter the US.

Ms. Wilkie noted the Board doesn't really have any option here. Dr. Hsu suggested a lien be issued against a licensee for non-payment of child support; Atty. Berg noted that decision is up to DOR. Dr. Hsu asked if a license revocation for failing to pay taxes or child support is reportable to the NPDB; Atty. Berg replied it is.

**Motion:** **To adopt Bureau Staff Action Policy 17-01 regarding Social Security Numbers and Dept. of Revenue License Actions**

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

**Second:** Dr. Stephen DuLong

**Vote:** **In Favor:** Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer;  
Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Ailish Wilkie;  
Dr. Stephen DuLong; Dr. John Hsu  
**Opposed:** None  
**Abstain:** None

## **G. Conflict of Interest/Board Member Indemnification**

Chief Board Counsel Vita Berg presented a power point presentation to the Board on conflict of interest and board member indemnification. Atty. Berg noted a Board member must recuse themselves from consideration if a statutory conflict exists or if an appearance of bias exists. Atty. Berg a financial interest in a matter would be a clear statutory conflict and noted the matter before the Board may include a license application, a disciplinary action or other decision. Atty. Berg also noted a conflict might arise in an employer/employee situation but noted this is not as prevalent with dentists as dentists are often self-employed. However Atty. Berg suggested the better course of action is for a Board member to recuse him/herself from a matter if the licensee with a matter before the Board is also employed by the Board member's employer.

With regards to the appearance of bias, Atty. Berg noted the Board may need to invoke the "rule of necessity" in order to maintain a quorum. In those circumstances, Atty. Berg stated a Board member should either recuse him/herself or file a disclosure with their appointing authority, i.e. the governor.

With regards to Board member indemnification, Atty. Berg stated this issue is governing by MGL c. 258. Dr. Levy asked if there is no scientific merit to a complaint filed against the Board, will the state indemnify the Board members; Atty. Berg replied the AGO must determine if the Board member was acting within the scope of his/her authority noting the Board member is required to cooperate with the AGO's investigation. Ms. Wilkie asked who determines negligence; Atty. Leadholm replied the question would be what cause of action was filed against the Board member.

### **Flex Session:**

1. Dr. Cromer noted the Women's March scheduled for Saturday, January 21<sup>st</sup> noting an estimated 60, 000 women have registered to march.
2. Dr. DuLong noted the next CDCA meeting will be held in Orlando, FL and that he, Dr. Cromer and Ms. Wilkie will attend. Dr. DuLong noted a bylaw was passed requiring Board members to report back to their individual boards on what happens at the meeting.
3. Dr. DuLong stated he is interested in forming a task group to undertake a review of the alternative pathways to licensure, e.g. PGY1 noting California grants licensure by portfolio, NY only grants licensure through the completion of a PGY1 program and two states (Alaska and Minnesota) license dentists through the Canadian OSCE model. Dr. DuLong stated he would like at least 3 Board members to participate in the task group. Ms. Wilkie asked if the deans of the 3 Boston-area dental schools would be invited. Dr. DuLong indicated he would also like to invite former Board chair Dr. Mina Paul to participate. Atty. Leadholm advised the Board it does not have the authority to comment on pending legislation. Dr. DuLong agreed but noted the task group could make recommendations to the DPH commissioner. Ms. Wilkie noted that Dr. DuLong asked the attendees at the recent CDCA meeting to comment on whether their



individual states permit Board members to comment on pending legislation and 7 states indicated they are permitted to testify at hearings on pending legislation while 4 states do not permit Board members to do so.

**Motion:** At 11:52 a.m. to adjourn the meeting for the day

**Motion Made By:** Dr. Paul Levy

**Second:** Ms. Ailish Wilkie

**Vote:** **In Favor:** Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer;  
Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Ailish Wilkie;  
Dr. Stephen DuLong; Dr. John Hsu  
**Opposed:** None  
**Abstain:** None

Respectfully submitted,

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Ms. Ailish Wilkie, Board Secretary

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Date