

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

January 20, 2016  
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>		
8:35	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) 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.		
12 Noon		<b>LUNCH BREAK</b>		
1 p.m.	III	<b>M.G.L.c.112, §65C SESSION (closed to the public)</b>		
1:30	IV	<b>GENERAL SESSION: PROBATION MATTERS (open to the public)</b> A-Notice of Violation and Recommendation for Suspension: DEN-2012-0067: Dr. Stephen Abramowitz B-Request for Termination of Probation: DEN-2012-0032: Dr. Douglas Vrona C-Probation Monthly Reports: September-December 2015	Memos, Attachments, Reports	K. Fishman
1:45	V	<b>PENDING BOARD MATTER</b> SA-INV-7738: Nel's Dental Lab	Memo	S. Leadholm

1:50	VI	<b>ADMINISTRATIVE MATTERS</b> A-Proposed Board Policy: Complaint Committee B-Proposed Board Policy: Sanctions Hearings C-Proposed Staff Action Policy: English Language Proficiency D-Good Moral Character Staff Action License Approval Report E-Request for Waiver of TOEFL Applicant Dr. Ana Teresa Tonet F-Regulatory Workgroup Membership and Quorum	Memos	S. Leadholm, B. Young
2:45	VII	<b>FLEX SESSION</b>		
3:00		<b>ADJOURNMENT</b>		

**MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY**  
**239 Causeway Street, Boston, MA 02114**  
**Room 417**  
**GENERAL SESSION MINUTES**  
**January 20, 2016**

**Present:** Dr. Stephen DuLong, Board Chair; Ms. Ailish Wilkie, Board Secretary; Dr. David Samuels; Ms. Jacyn Stultz, RDII; Dr. Cynthia Stevens; Dr. Paul Levy; Ms. Kathleen Held

**Absent:** Dr. Keith Batchelder; Dr. John Hsu; Dr. Ward Cromer; Ms. Lois Sobel, RDII

**Board Staff Present:** Barbara A. Young, Executive Director; Jeffrey Mills, Assistant Executive Director; Samuel Leadholm, Esq., Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; Chief Prosecuting Attorney Jodi Greenburg; OPP Investigators Sarah Millar, Eileen Mulligan, Kathleen O'Connell, Lisa Seeley-Murphy, Danielle Taylor and Barbara Yates.

*Ms. Kathleen Held arrived for the meeting at 12:15 p.m.*

*Dr. Cynthia Stevens left the meeting for the day at 2:05 p.m.*

*Drs. Paul Levy and David Samuels left the meeting for the day at 3:02 p.m.*

**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. Ailish Wilkie

**Vote:** Unanimous

*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 an M.G.L. c.112, §65C Session and then return to General 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:** Ms. Jacyn Stultz

**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

*The Board took its morning recess at 10:37 a.m. and resumed the meeting at 10:48 a.m.*

**Motion:** At 12:20 p.m., to enter a M.G.L. c.112, §65C Session

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

**Second:** Ms. Kathleen Held

**Vote:** Unanimous

**Motion:** At 12:27 p.m., to leave the M.G.L. c.112, §65C Session

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

**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

*The Board recessed for lunch at 12:28 p.m. and resumed its meeting at 1:32 p.m.*

**Complaint Resolution – Probation Monitor Karen Fishman**

**--In the Matter of DEN-2012-0067: Dr. Stephen Abramowitz**

### **Notice of Violation of Probation and Recommendation for Suspension**

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

**Discussion:** Ms. Fishman informed the Board the licensee entered into a Consent Agreement for Stayed Probation in 2013. The stayed probation was lifted by the Board and the licensee was placed on probation in April 2015 for failing to complete the remedial coursework as indicated in the original Consent Agreement. Ms. Fishman informed the Board the licensee has retired and is currently living in Vermont and there is no indication the licensee will ever comply with the terms of the original Consent Agreement. Dr. Samuels asked if the licensee was offered a voluntary agreement not to practice dentistry; Ms. Fishman may agree. Ms. Stultz asked if the licensee had been informed he was in violation of his probation; Ms. Fishman replied yes, on two occasions but to date the licensee has failed to respond.

Atty. Leadholm advised the Board it could offer the licensee a voluntary agreement not to practice thereby ending the matter.

**Motion:** **To offer a Consent Agreement for a Voluntary Agreement Not to Practice Dentistry.**

**Motion Made By:** Dr. David Samuels

**Second:** Dr. Paul Levy

**Vote:** Unanimous

### **Complaint Resolution – Probation Monitor Karen Fishman**

**--In the Matter of DEN-2012-0032: Dr. Douglas G. Vrona**

### **Request for Termination of Probation**

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

**Discussion:** Ms. Fishman informed the Board the licensee was placed on probation for two years effective 1/15/14 and that the licensee completed all terms of his consent agreement in a timely manner.

**Motion:** **To Terminate the Licensee's Probationary Period**

**Motion Made By:** Dr. David Samuels

**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

**Probation Monthly Report: September to December 2015**

**Probation Monitor Karen Fishman**

Ms. Fishman submitted a report detailing the status of several cases where licensees were placed on probation for the months of September, October, November and December 2015. Ms. Wilkie stated she liked the report. The Board had no additional questions for Ms. Fishman.

**Complaint Resolution—Board Counsel Samuel Leadholm**

**--In the Matter of SA-INV-7738: Nel's Dental Lab**

*No representative from the Nel's Dental Lab was present for the discussion and vote of the Board on this matter.*

**Allegation:** Unlicensed Practice of Dentistry

**Discussion:** Dr. Samuels asked if the Board had received an update from the Attorney Generals' Office regarding the Board's referral. Atty. Leadholm advised the Board any response from the AGO is in the discretion of the AGO.

**Motion:** **To not open a formal complaint as the Board lacks jurisdiction.**

**Motion Made By:** Dr. David Samuels

**Second:** Ms. Jacyn Stultz

**Vote:** Unanimous

**Administrative Matters:**

**A. Proposed Board Policy – Complaint Committee**

Dr. DuLong noted the complaint committee will be comprised of three Board members, of which one must be a dentist. Dr. DuLong suggested the six dentists on the Board rotate and a different three dentists will be asked to participate every three months. Ms. Wilkie recommended setting up a rotating schedule. Dr. DuLong suggested the committee meet once per quarter. Dr. Samuels asked about the scope of the committee's authority, i.e. would all three members have to agree to open a complaint? to dismiss a complaint? Atty. Leadholm advised the Board matters such as a fee dispute between a dentist and a patient or cases where the Board

clearly lacks jurisdiction could be decided by the committee. Ms. Young asked if the committee would be authorized to open a formal complaint from a staff assignment. Dr. Samuels asked about the anticipated no. of cases to be considered by the committee as the goal is to save time and expedite the resolution of complaints. Dr. Stevens recommended the Board hold off on reactivating the complaint committee for the time being. Ms. Stultz asked if issues regarding CEU compliance would be considered by the committee; Atty. Leadholm responded yes.

Atty. Greenburg noted BORIM's complaint committee meets once each month and that committee considers all complaints as the BORIM has given the committee authority to resolve cases. Atty. Greenburg stated 98% of all complaints are resolved by BORIM's complaint committee, generally within a year, and once a complaint is settled, the complaint is submitted to BORIM for ratification. Dr. Samuels suggested BORIM's committee is doing the work of BORIM and asked what happens if the resolution is not ratified by BORIM; Atty. Greenburg replied that doesn't happen. Atty. Leadholm advised the Board BORIM's system is different and the suggestion is not to follow BORIM's methods. Atty. Greenburg advised the Board the goal is to move cases more quickly as it often takes 2-3 yrs. for cases to reach prosecution and that after a show cause hearing is held, it takes an additional 2-2 ½ yrs. for a tentative decision to issue. Dr. Samuels suggested giving the committee the authority to consider all cases with an open/do not open vote. Dr. Samuels also suggested including two dentists in each committee meeting. Atty. Greenburg advised the Board that any disagreement between the committee members would result in the complaint being submitted to the Board. Dr. Samuels suggested amending Atty. Leadholm's memo by deleting items 1) a) through 1) e), by changing item 2) to state the committee may consider all staff assignments regardless of the allegations, by changing item 3) to state two dentists must be on the committee of three members and by modifying item 4) to include the authority to dismiss complaints with advisory letters.

**Motion:** **To adopt the Proposed Board Policy regarding the formation of a Complaint Committee, as amended**

**Motion Made By:** Dr. David Samuels

**Second:** Ms. Jacyn Stultz

**Vote:** Unanimous

## **B. Proposed Board Policy – Sanctions Hearings**

Atty. Leadholm asked the Board to consider handling sanctions hearings itself or to leave the hearings to the administrative hearing counsel to handle. Atty. Greenburg advised the Board it often waits 2-2 ½ yrs. for tentative decisions to issue. Atty. Greenburg suggested if the Board opts to handle the sanctions hearings itself, then it can receive testimony from the assigned prosecutor regarding aggravating factors and/or testimony from the licensees regarding mitigating factors. Also, Atty. Greenburg noted licensee often feel they have no opportunity to address the Board noting that since 2009, 8-9 cases were scheduled to be heard by the administrative hearing officer and of the 8-9 cases, only 3 cases actually went to hearing.

**Motion:** **To adopt the Proposed Board Policy regarding Sanctions Hearings**

**Motion Made By:** Dr. David Samuels

**Second:** Ms. Jacyn Stultz

**Vote:** Unanimous

**C. Proposed Staff Action Policy – English Language Proficiency**

Atty. Leadholm suggested the Board eliminate the minimum scores on the component exams of the TOEFL exam. Mr. Mills noted that evidence of English language proficiency was not required by the Board prior to the regulations being amended in August 2010. Dr. DuLong noted the BUSDM began requiring these scores as a result of a change in the Board's policy on English proficiency.

**Motion:** **To Adopt the Staff Action Policy on English Language Proficiency Examinations as Proposed**

**Motion Made By:** Dr. David Samuels

**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

**D. 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 12/2/15 and 1/20/16:

Louna Mahotiere	Dental Assistant (FTDA)	DA06915
Angela L. Laske	Dental Assistant (OJT)	DA06972
Jessica L. Monteiro	Dental Assistant (OJT)	DA07023
Kathleen Peterson	Dental Assistant (OJT)	DA07116

**E. Request for Waiver of the Passing Scores on the TOEFL Exam – Dr. Ana Tereza Moncorvo Tonet by Executive Director Barbara A. Young, RDH**

Given the Board's decision and vote from earlier today on this issue, the Board declined to consider Dr. Tonet's request as it is moot.

**F. Regulatory Review Workgroup – Determination of Quorum**

Ms. Young informed the Board the workgroup was originally comprised of Board members that are no longer appointed to the Board or licensee volunteers who have not participated in any meetings to date. Consequently, the workgroup's quorum of 5 members is often in jeopardy. Ms. Young stated the following Board members and licensees have agreed to continue their participation in the workgroup:

Board Members: Dr. Cynthia Stevens, Dr. Stephen DuLong *ex officio*  
Ms. Lois Sobel, Ms. Ailish Wilkie

Licensees: Dr. Thomas Trowbridge, Dr. Todd Rowe, Dr. David Lustbader,  
Dr. Charlene Pirner, Dr. Morton Rosenberg (consultant),  
Ms. Cynthia Cadoret (consultant)

**Motion:** To adopt the amended Regulatory Review Workgroup roster as listed

**Motion Made By:** Dr. David Samuels

**Second:** Ms. Jacyn Stultz

**Vote:** Unanimous

**G. Flex Session**

**1. CDCA Update**

Dr. DuLong noted the CDCA is scheduled to meet again in February and he will update the Board after that meeting. Dr. DuLong noted the ADEX stated policy is for two members from Massachusetts may participate in the exam and house committees but currently only one representative from Mass. attends both meetings. Dr. DuLong reminded the Board its current representative is former Board Member Dr. Milton Glicksman. Ms. Wilkie stated she agreed with a policy that the representative should be a current Board member. Dr. DuLong suggested the Board consider appointing former Board Chair Dr. Mina Paul to be its representative. Ms. Young asked if Dr. Glicksman was interested; Dr. DuLong replied Dr. Glicksman is the ADEX representative from Mass. but noted he did not attend the meeting in Chicago in Nov. 2015. Ms. Wilkie asked if term limits are set by ADEX; Dr. DuLong replied yes.

**2. Dental Assistant Licensure – OJT's and Letters from Supervising Dentists**



Ms. Stultz informed the Board she is receiving numerous phone calls and emails from dental assistants outside Mass. who report having difficulty finding a job due to some of the Board's licensure requirements. Ms. Wilkie noted that was not the Board's intention and Dr. Samuels reiterated his position that the law requiring dental assistant licensure should be repealed. Ms. Young informed the Board that she and dental staff inform each dental assistant who calls how to resolve these issues as quickly and as easily as possible. Ms. Stultz stated that is a great temporary solution but the issue should be addressed. Ms. Wilkie stated the Board has an obligation to fix the problem with the regulations once it becomes aware of a problem. Ms. Stultz noted a problem has also arisen with dental assistants seeking temporary positions suggesting it is not appropriate for the Board to prevent dental assistants from working.

Ms. Stultz suggested waiving the requirement that all OJT dental assistants provide a letter from a supervising dentist. Ms. Wilkie stated she agreed with this idea in principle but doesn't agree this waiver should apply to temporary workers. Dr. DuLong agreed. Ms. Held noted dentists need to be educated on who they can hire. Atty. Leadholm advised the Board's regulations currently require all OJT's to be supervised by a dentist. Dr. DuLong questioned who would be responsible if this requirement is waived when something goes wrong. Atty. Greenburg advised the Board changing the requirement to a letter from an "employer" as suggested would result in the Board having no jurisdiction over non-dental employers of dental assistants.

**Motion:** **None – meeting ended at 3:15 p.m. due to lack of quorum**

**Motion Made By:**

**Second:**

**Vote:**

Respectfully submitted,

Ms. Ailish Wilkie, Board Secretary

Date