



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
239 Causeway Street, Suite 500, 5th Floor, Boston, MA 02114

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COMMISSIONER

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417A & B
July 18, 2012
AGENDA

8:30 a.m. Call to Order

A. Introduction of New Board Member and New Staff

8:35 a.m. B. Adjudicatory Session (Closed to the public)

C. M.G.L.c.112, § 65C Session (Closed to the public)

9:00 a.m. D. Complaint Resolution—Pending Board Cases—Kathy Perault

- In the Matter of DEN-2011-0107: Dr. Susma Balakrishna
- In the Matter of DEN-2011-0151: Dr. Khiem Pham-Nguyen
- In the Matter of DEN-2011-0036: Dr. Arthur Hannigan
- In the Matter of DEN-2012-0013: Dr. Arthur Hannigan
- In the Matter of DEN-2012-0028: Dr. Lakshmi Thalanki
- In the Matter of DEN-2012-0050: Dr. Marc Zive
- In the Matter of SA-INV-2360: Dr. Marc Zive
- In the Matter of DEN-2011-0113: Dr. Samer Aleid
- In the Matter of SA-INV-2328: Dr. Stewart Carp
- In the Matter of SA-INV-2383: Dr. Stephen Gianino
- In the Matter of SA-INV-2529: Dr. Richard Price
- In the Matter of SA-INV-2666: Dr. Aria DiBenedetto

E. Complaint Resolution—Pending Board Cases—Eileen Mulligan

- In the Matter of DEN-2010-0171: Dr. Italo Lozada
- In the Matter of DEN-2010-0165: Dr. Elias Zavarro
- In the Matter of DEN-2010-0045: Dr. Elias Zavarro
- In the Matter of DEN-2011-0169: Dr. Lawrence Ross
- In the Matter of DEN-2012-0002: Dr. Lawrence Ross
- In the Matter of DEN-2012-0003: Dr. Elliot Greenfeld
- In the Matter of DEN-2012-0004: Dr. Stuart Armet
- In the Matter of DEN-2012-0005: Dr. Andrew Budz
- In the Matter of DEN-2012-0006: Dr. Lina Bermudez
- In the Matter of DEN-2012-0007: Dr. Sandeep Kaur
- In the Matter of DEN-2012-0008: Kimberly Jones, RDH
- In the Matter of DEN-2012-0009: Shay Barnes, RDH
- In the Matter of DEN-2012-0010: Alyssa McLeod, RDH

--In the Matter of DEN-2012-0011: Sara Hicks, RDH

F. Complaint Resolution—Pending Board Cases—Sarah Millar

--In the Matter of DEN-2012-0043: Dr. Ofelia Mabry
--In the Matter of DEN-2011-0194: Dr. Kevin Coughlin
--In the Matter of SA-INV-2551: Dr. Anthony Olatunji
--In the Matter of SA-INV-2556: Dr. Robert Mehanna
--In the Matter of SA-INV-2368: Dr. Patrick McCarty
--In the Matter of SA-INV-2271: Dr. Eli Factor
--In the Matter of DEN-2011-0026: Dr. Ekta Sagar
--In the Matter of DEN-2011-0027: Dr. Isam Hamati

G. Complaint Resolution—Pending Board Cases—Kathleen O'Connell

--In the Matter of DEN-2011-0044: Dr. Benjamin Gamm
--In the Matter of DEN-2012-0026: Dr. Jana Sokol
--In the Matter of DEN-2012-0040: Dr. Nalton Farraro
--In the Matter of SA-INV-2089: Dr. Tofigh Raayai
--In the Matter of SA-INV-2149: Dr. Barton Tayer

H. Complaint Resolution—Pending Board Cases—Barbara Yates

--In the Matter of DEN-2011-0016: Dr. Clifford Snyder
--In the Matter of DEN-2011-0049: Dr. Mikhail Gomer

I. Approval of Minutes of the Meeting of June 6, 2012

J. Administrative Matters

--Report of Patient Death, Pursuant to 234 CMR 6.17

K. Probation Matters—Requests for Reinstatement—Karen Fishman, Probation Monitor

--In the Matter of DEN-2012-0052: Dr. S. George Colt
--In the Matter of DEN-2011-0114 and DEN-2011-0144:
Dr. Paul Virgadamo

L. Late Renewals—Dental Hygienists—Board Counsel Marsha Bird

--In the Matter of DEN-2012-0044: Sara Atkins, RDH
--In the Matter of DEN-2012-0065: Janet McLane, RDH

M. Dentist Employers of Late-Renewal Dental Hygienists

--In the Matter of DEN-2012-0046: Dr. Joy Marie John
--In the Matter of DEN-2012-0047: Dr. Amanda Peer
--In the Matter of DEN-2012-0048: Dr. Kierstin Kerr
--In the Matter of DEN-2012-0051: Dr. Thomas Puschak

Adjournment

NEXT MEETING: September 5, 2012

Board of Registration in Dentistry
General Session Minutes
July 18, 2012
Adopted by Board September 5, 2012

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417 A & B
July 18, 2012
GENERAL SESSION MINUTES

Board Members Present: Dr. Mina Paul, Chair; Dr. Roderick Lewin, Secretary; Dr. Milton Glicksman; Dr. John Hsu (arrived at 9:30 a.m.); Dr. Stephen DuLong; Dr. Cynthia Stevens; Ms. Ailish Wilkie, CPHQ (arrived at 8:52 a.m.); Ward Cromer, Ph.D.; Ms. Diane Grondin, CDA Advisor.

Board Member Absent: Ms. Lois Sobel, RDH

Staff Members Present: Kathleen Atkinson, Executive Director; Jeffrey Mills, Assistant Executive Director; Marsha Bird, Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; Investigators Sarah Millar, Kathleen O'Connell, Kathy Perault, Eileen Mulligan and Barbara Yates; Paul Moore, Prosecuting Counsel; Karen Fishman, Probation Monitor; Rosie Rogers, Administrative Assistant; Erin Belitskus.

Motion: To commence the meeting, at 8:38 a.m.

Motion Made By: Dr. Roderick Lewin

Second: Dr. Milton Glicksman

Vote: Unanimous

Introduction of New Board Member and New Staff

Dr. Stephen DuLong -Member
Lisa Seeley-Murphy, RDH - Investigator

Motion To Enter Adjudicatory Session, at 8:42 a.m.

Motion Made By: Dr. Roderick Lewin

Second: Dr. Cynthia Stevens

Vote: **Yea:** Ward Cromer, Ph.D., Dr. Stephen DuLong, Dr. Milton Glicksman, Dr. Roderick Lewin, Dr. Cynthia Stevens.
Abstain: Dr. Mina Paul
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To Leave Adjudicatory Session, at 9:02 a.m.**

Motion Made By: Dr. Milton Glicksman

Second: Ms. Ailish Wilkie

Vote: **Yea:** Ward Cromer, Ph.D., Dr. Stephen DuLong, Dr. Milton Glicksman, Dr. Roderick Lewin, Dr. Cynthia Stevens, Ms. Ailish Wilkie, CPHQ.
Abstain: Dr. Mina Paul
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To Enter M.G.L.c.112, §65C Session, at 9:02 a.m.**

Motion Made By: Dr. Roderick Lewin

Second: Dr. Milton Glicksman

Vote: **Yea:** Ward Cromer, Ph.D., Dr. Stephen DuLong, Dr. Milton Glicksman, Dr. Roderick Lewin, Dr. Cynthia Stevens, Ms. Ailish Wilkie, CPHQ.
Abstain: Dr. Mina Paul
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To Leave M.G.L.c.112, §65C Session, at 9:24 a.m.**

Motion Made By: Dr. Roderick Lewin

Second: Dr. Milton Glicksman

Vote: **Yea:** Ward Cromer, Ph.D., Dr. Stephen DuLong, Dr. Milton Glicksman, Dr. Roderick Lewin, Dr. Cynthia Stevens, Ms. Ailish Wilkie, CPHQ.
Abstain: Dr. Mina Paul
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To Enter General Session, at 9:24 a.m.**

Motion Made By: Dr. Roderick Lewin

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Second: Ms. Ailish Wilkie

Vote: Unanimous

Complaint Resolution—Pending Board

Investigators presented their previous distributed Investigative Reports, together with relevant clarifications and supplemental information as necessary.

--In the Matter of DEN-2011-0107: Dr. Sushma Balakrishna

Allegation: Inferior treatment

Motion: To offer Stayed Probation for three months,
to include completion of the following Continuing Education:
Full Day: Risk Management
Two Days: Fixed Prosthesis-Crown and Bridge

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification: • Licensee violated 234 CMR 9.05(14), standard of care where in preparing tooth #22 for a crown, Licensee failed to place a post of sufficient length to enable retention of the crown, which was dislodged after placement. Patient subsequently underwent post lengthening to improve crown retention.

--In the Matter of DEN-2011-0151: Dr. Khiem Pham-Nguyen

Allegations: Patient abandonment, inferior treatment, and business practice issues

Motion: To dismiss the matter without prejudice.

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

--In the Matters of DEN-2011-0036 and DEN-2012-0013: Dr. Arthur Hannigan

Motion: To join DEN-2011-0036 and DEN-2012-0013

Motion Made By: Dr. Roderick Lewin

Second: Ms. Ailish Wilkie

Vote: Unanimous

Dr. John Hsu entered the meeting during the deliberation of the following matters:

--In the Matters of DEN-2011-0036 and DEN-2012-0013: Dr. Arthur Hannigan

Motion: To offer Stayed Probation for six months, to include the following continuing education:

Full Day: Risk Management

Full Day: Record Keeping

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Ailish Wilkie

Vote: Unanimous

Justification: **In the Matter of DEN-2011-0036**

- Licensee violated 234 CMR 5.11 and 5.12, Delegation of Duties by allowing a dental assistant to remove caps, fabricate a 10-unit Voco bridge, cement the bridge with ZOE and determine that the midline was off by ½ tooth (on casting).
- Licensee violated 234 CMR 5.15, Content of Patient Records, by failing to perform and/or properly document the patient record. Such deficiencies include failure to perform and/or document: periodontal charting or evaluation for remaining mandibular dentition and oral cancer screening.

In the Matter of DEN-2012-0013

- Licensee violated 234 CMR 5.15, Content of Patient Records, by failing to perform and or properly document the patient record. Such deficiencies include the failure to perform and/or document oral cancer screening.

--In the Matter of DEN-2012-0028: Dr. Lakshmi Thalanki

Dr. Roderick Lewin assumed the role of the Chair.

Allegations: Infection control violations and insurance fraud

Motion: To offer Probation for one year, to include the following
Continuing Education:

Full Day: Risk Management

Full Day: Infection Control

Motion Made By: Dr. John Hsu

Second: Dr. Milton Glicksman

Vote: Unanimous

Recused: Dr. Mina Paul

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to: failure to conduct weekly spore tests; failure to use internal indicators in sterilization pouches or utilize; and the failure to properly store instruments and hand pieces and metal air/water syringe tips in sterilization pouches, sterilize impression trays after use, and sterilize metal retractors and mirrors after patient use.
- Licensee violated 234 CMR 6.15, Local Anesthesia, by failing to maintain an Emergency Drug Kit, have an Automated External Defibrillator, and to maintain Portable "E" Oxygen cylinder.
- Licensee violated M. G. L. c. 112, §50 and 234 CMR 5.15(h) by failing to place patient identifying information in removable prosthesis.

--In the Matter of SA-INV-2360: Dr. Marc Zive

Allegations: Patient abandonment/neglect, fraud, business practice issues

Motion: To open as a formal complaint.

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote: Unanimous

--In the Matter of DEN-2012-0050: Dr. Marc Zive

This matter was deferred

--In the Matter of DEN-2011-0113: Dr. Samer Aleid

Allegations: Misdiagnosis and inferior treatment

Motion: **To offer Stayed Probation for three months, to include the following Continuing Education:**
Full Day: Risk Management
Full Day: Record Keeping

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.15, Content of Patient Record, by failing to perform and/or document in the patient record; hard/soft tissue examination; periodontal charting; obtain a General Consent Form and document patient complaint of pain in left side on October 9, 2003.

--In the Matter of SA-INV-2328: Dr. Stewart Carp

Allegation: Misdiagnosis of condition

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

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

--In the Matter of SA-INV-2383: Dr. Stephen Gianino

Allegations: Inferior treatment and unable to obtain dental records

Motion: **To not open as a formal complaint, and send an advisory letter regarding the requirement to document local anesthesia.**

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

--In the Matter of SA-INV-2529: Dr. Richard Price

Allegation: Inferior treatment
Motion: To not open as a formal complaint.
Motion Made By: Dr. John Hsu
Second: Dr. Cynthia Stevens
Vote: Unanimous

--In the Matter of SA-INV-2666: Dr. Maria DiBenedetto

Allegation: Failure to properly secure dental records
Motion: To not open as a formal complaint.
Motion Made By: Dr. Milton Glicksman
Second: Ms. Ailish Wilkie
Vote: Unanimous

--In the Matter of DEN-2010-0171: Dr. Italo Lozada

Allegations: Inferior treatment, patient abandonment, misdiagnosis of condition, and inappropriate prescribing
Motion: To offer Suspension for three months, to include the following terms:

- Licensee shall undergo a skills assessment by the Assessment Services Program of the American Association of Dental Boards.
- Upon receipt of said assessment, Board shall determine terms of probation.
- Licensee shall complete continuing education credits required for license renewal ending March 31, 2010.

Motion Made By: Dr. Milton Glicksman
Second: Dr. Cynthia Stevens
Vote: Unanimous

Justification:

- Licensee violated M. G. L. c. 112, §61 where crown lengthening procedure resulted in a complete severance of lingual nerve and licensee failed to diagnose the severance of the patient's lingual nerve during and after crown lengthening procedure; failed to document the patient's surgery and corresponding treatment in the patient record of subsequent post-surgical visits; where the licensee failed to schedule an appointment to evaluate patient when she complained of pain, her jaw locking, glandular swelling and inability to talk due to swelling of throat and glands; and where licensee failed to prescribe an antibiotic in a timely manner when patient called Licensee because of pain and swelling.
- Licensee violated 234 CMR 2.04 (17) (a), Patient Record, by failing to perform and/or properly document the patient record. Said deficiencies include, but are not limited to: failure to obtain Specific Informed Consent prior to the crown lengthening procedure; expose a pre-operative periapical radiograph for the crown lengthening procedure on tooth #18; document post-operative instructions provided the patient; document the patient's phone calls made to Licensee on March 19, 2008, March 21, 2008, and March 22, 2008; document the clinical data in the patient record for the post-operative visit on March 20, 2008, when Licensee re-evaluated patient for pain and swelling; failure to examine patient on March 23, 2008, when patient called complaining of throbbing pain in her mouth; document the antibiotic that Licensee called into CVS for the patient as an emergency on March 23, when patient called complaining of possible infection; and on March 25, 2008, document the amount of limited opening the patient had when patient complained that her jaw was locked and she was unable to open her mouth and eat solid food.
- Licensee violated M.G. L. c. 112, § 51A and 234 CMR 5.01, by failing to complete continuing education required for license renewal for renewal cycle (include renewal cycle) January 1, 2008-December 31, 2009, Renewal Date, March 31, 2010 .
- Licensee violated 234 CMR 5.02 (2) (b) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled.

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Motion: To join DEN-2010-0165 and DEN-2010-0045

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

--In the Matters of DEN-2010-0165 and DEN-2010-0045: Dr. Elias Zavaro

Allegations: Infection control violations and failure to adhere to the standards of practice

Motion: To offer Probation for six months, to include the following Continuing Education:

Full Day: Risk Management

Full Day: Record Keeping

Full Day: Diagnosis & Treatment Planning

Full Day: Infection Control

Motion Made By: Dr. Cynthia Stevens

Second: Dr. Milton Glicksman

Vote: Unanimous

Justification:

In the Matter of DEN-2010-0045

- Licensee violated M. G. L. c. 112, § 61 and 234 CMR 9.04 (14) by failing to obtain patient's General Informed Consent and Specific Informed Consent prior to restoring six teeth; failing to develop a treatment plan describing the proposed treatment prior to beginning treatment.

In the Matter of DEN-2010-0165

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05 (3) by failing to comply with the Centers for Disease Control Infection Control Guidelines for Dental Healthcare Settings. Said deficiencies include, but are not limited to: failure to use internal indicators in sterilization pouches without internal chemical indicators; failure to maintain sterile hand pieces in sterile autoclave pouches until time of patient use.

- Licensee violated 234 CMR 6.15, Local Anesthesia, by failing to maintain a portable cylinder "E" Oxygen tank; failure to provide a bag-valve mask system; and failure to obtain/provide a pediatric pre-loaded Epinephrine syringe in the Emergency Drug Kit.

- Licensee violated M. G. L. c. 112, §45 and 234 CMR 5.04, by failing to post dental licenses.

--In the Matters of DEN-2011-0169 and DEN-2012-0002: Dr. Lawrence Ross

Motion: To join DEN-2011-0169 and DEN-2012-0002

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote: Unanimous

--In the Matters of DEN-2011-0169 and DEN-2012-0002: Dr. Lawrence Ross

Allegations: Failure to properly supervise the care of a patient and infection control violations

Motion: To offer Indefinite Suspension on Licensee's right to renew his license to practice dentistry in the Commonwealth, to be followed by a period of Probation to be determined at time of petition for reinstatement of license.

Motion Made By: Dr. John Hsu
Second: Ms. Ailish Wilkie
Vote: Unanimous

Justification: **DEN-2011-0169**

- Licensee violated M. G. L. c. 112, §61 and 234 CMR 9.05 (14) when he prescribed oral sedative medication (Valium and Chloralhydrate liquid) on or about February 3, 2010 (no refills authorized), and March 22, 2010, for which two additional refills were authorized by the Licensee. These two refills were ordered prior to the patient's appointments on April 14, 2010 and February 16, 2011. Licensee prescribed these medications without seeing or performing a comprehensive examination on a medically compromised patient.

DEN-2012-0002

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05 (3) by failing to comply with the Centers for Disease Control Infection Control Guidelines for Dental Healthcare Settings. Said deficiencies include, but are not limited to: failure to conduct weekly spore tests; failure to use internal indicators with wrapped cassettes; failure to sterilize straight hand pieces after patient use and to remove burs prior to sterilization; and, failure to maintain sterility of Rinn X-ray holders used for exposing radiographs.

- Licensee violated 234 CMR 5.16 (1) and (2), by failing to have a written Emergency Protocol and failing to maintain a current Emergency Drug Kit.

- Licensee violated 234 CMR 6.15, Local Anesthesia, by failing to replace expired medicament (Aspirin) in the Emergency Drug Kit, failing to have a bag-valve system for the Portable Cylinder "E" Oxygen tank; failure to have pediatric AED pads and disposable pediatric CPR masks.

- Licensee violated 234 CMR 8.03 (b) by failing to ensure that licensed staff delivering patient care were properly certified in BLS/CPR.

--In the Matter of DEN-2012-0003: Dr. Elliot Greenfeld

Allegations: Infection control violations

Motion: **To offer Stayed Probation for six months, to include the following Continuing Education:**
Full Day: Risk Management
Full Day: Infection Control

Motion Made By: Dr. Milton Glicksman

Second: Ms. Ailish Wilkie

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05 (3) by failing to comply with the Centers for Disease Control Infection Control Guidelines for Dental Healthcare Settings. Said deficiencies include, but are not limited to: failure to conduct weekly spore tests; failure to use internal indicators with wrapped cassettes; failure to sterilize straight hand pieces after patient use and to remove burs prior to sterilization; and, failure to maintain sterility of Rinn X-ray holders used for exposing radiographs.
- Licensee violated 234 CMR 5.16 (1) and (2), by failing to have a written Emergency Protocol and failing to maintain a current Emergency Drug Kit.
- Licensee violated 234 CMR 6.15, Local Anesthesia, by failing to replace expired medicament (Aspirin) in the Emergency Drug Kit, failing to have a bag-valve system for the Portable Cylinder "E" Oxygen tank; failure to have pediatric AED pads and disposable pediatric CPR masks.

--In the Matter of DEN-2012-0004: Dr. Stuart Armet

Allegations: Infection control violations

Motion: **To offer Stayed Probation for six months, to include the following Continuing Education:**
Full Day: Risk Management
Full Day: Infection Control

Motion Made By: Dr. Milton Glicksman

Second: Dr. Roderick Lewin

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05 (3) by failing to comply with the Centers for Disease Control Infection Control Guidelines for Dental Healthcare Settings. Said deficiencies include, but are not limited to: failure to conduct weekly spore tests; failure to use internal indicators with wrapped cassettes; failure to sterilize straight hand pieces after patient use and to remove burs prior to sterilization; and, failure to maintain sterility of Rinn X-ray holders used for exposing radiographs.
- Licensee violated 234 CMR 5.16 (1) and (2), by failing to have a written Emergency Protocol and failing to maintain a current Emergency Drug Kit.
- Licensee violated 234 CMR 6.15, Local Anesthesia, by failing to replace expired medicament (Aspirin) in the Emergency Drug Kit, failing to have a bag-valve system for the Portable Cylinder "E" Oxygen tank; failure to have pediatric AED pads and disposable pediatric CPR masks.

--In the Matter of DEN-2012-0005: Dr. Andrew Budz

Allegations: Infection control violations

Motion: To offer Stayed Probation for one year, to include the following Continuing Education:
Full Day: Risk Management
Full Day: Infection control
Complete continuing education credits required for license renewal for the cycle of January 1, 2008 through December 1, 2009, License Renewal Date: March 31, 2010.

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05 (3) by failing to comply with the Centers for Disease Control Infection Control Guidelines for Dental Healthcare Settings. Said deficiencies include, but are not limited to: failure to conduct weekly spore tests; failure to use internal indicators with wrapped cassettes; failure to sterilize straight hand pieces after patient use and to remove burs prior to sterilization; and, failure to maintain sterility of Rinn X-ray holders used for exposing radiographs.\
- Licensee violated 234 CMR 5.16 (1) and (2), by failing to have a written Emergency Protocol and failing to maintain a current Emergency Drug Kit.
- Licensee violated 234 CMR 6.15, Local Anesthesia, by failing to replace expired medicament (Aspirin) in the Emergency Drug Kit, failing to have a bag-valve system for the Portable Cylinder "E" Oxygen tank; failure to have pediatric AED pads and disposable pediatric CPR masks.
- Licensee violated M.G. L. c. 112, § 51A and 234 CMR 5.01, by failing to complete continuing education required for license renewal for renewal cycle (include renewal cycle).
- Licensee violated 234 CMR 5.02 (2) (b) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled

--In the Matter of DEN-2012-0006: Dr. Lina Bermudez

Allegations: Infection control violations

Motion: To offer Stayed Probation for six months, to include the following Continuing Education:
Full Day: Risk Management
Full Day: Infection Control

Motion Made By: Dr. Milton Glicksman

Second: Dr. Stephen DuLong

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05 (3) by failing to comply with the Centers for Disease Control Infection Control Guidelines for Dental Healthcare Settings. Said deficiencies include, but are not limited to: failure to conduct weekly spore tests; failure to use internal indicators with wrapped cassettes; failure to sterilize straight hand pieces after patient use and to remove burs prior to sterilization; and, failure to maintain sterility of Rinn X-ray holders used for exposing radiographs.
- Licensee violated 234 CMR 5.16 (1) and (2), by failing to have a written Emergency Protocol and failing to maintain a current Emergency Drug Kit.
- Licensee violated 234 CMR 6.15, Local Anesthesia, by failing to replace expired medicament (Aspirin) in the Emergency Drug Kit, failing to have a bag-valve system for the Portable Cylinder "E" Oxygen tank; failure to have pediatric AED pads and disposable pediatric CPR masks.

--In the Matter of DEN-2012-0007: Dr. Sandeep Kaur

Allegations:

Infection control violations

Motion:

To offer Stayed Probation for six months, to include the following Continuing Education:

Full Day: Risk Management

Full Day: Infection Control

Motion Made By:

Dr. Milton Glicksman

Second:

Dr. Cynthia Stevens

Vote:

Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05 (3) by failing to comply with the Centers for Disease Control Infection Control Guidelines for Dental Healthcare Settings. Said deficiencies include, but are not limited to: failure to conduct weekly spore tests; failure to use internal indicators with wrapped cassettes; failure to sterilize straight hand pieces after patient use and to remove burs prior to sterilization; and, failure to maintain sterility of Rinn X-ray holders used for exposing radiographs.

- Licensee violated 234 CMR 5.16 (1) and (2), by failing to have a written Emergency Protocol and failing to maintain a current Emergency Drug Kit.
- Licensee violated 234 CMR 6.15, Local Anesthesia, by failing to replace expired medicament (Aspirin) in the Emergency Drug Kit, failing to have a bag-valve system for the Portable Cylinder "E" Oxygen tank; failure to have pediatric AED pads and disposable pediatric CPR masks.

--In the Matter of DEN-2012-0008: Kimberly Jones, RDH

Allegations: Infection control violations

Motion: To offer Stayed Probation for six months, to include the following Continuing Education:
Full Day: Risk Management
Full Day: Infection Control

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote: Unanimous

Justification: • Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05 (3) by failing to comply with the Centers for Disease Control Infection Control Guidelines for Dental Healthcare Settings. Said deficiencies include, but are not limited to: failure to conduct weekly spore tests; failure to use internal indicators with wrapped cassettes; failure to sterilize straight hand pieces after patient use and to remove burs prior to sterilization; and, failure to maintain sterility of Rinn X-ray holders used for exposing radiographs.

--In the Matter of DEN-2012-0009: Shay Barnes, RDH

Allegations: Infection control violations

Motion: To offer Stayed Probation for six months, to include the following Continuing Education:
Full Day: Risk Management
Full Day: Infection Control
Motion Failed

Motion Made By: Dr. Roderick Lewin

Second: Dr. Milton Glicksman

Vote: **Yea:** Dr. Milton Glicksman, Dr. John Hsu, Dr. Roderick Lewin
Nay: Ward Cromer, Ph.D., Dr. Stephen DuLong, Dr. Cynthia Stevens, Ms. Ailish Wilkie, CPHQ.
Abstain: Dr. Mina Paul
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To offer Probation for one year, to include the following Continuing Education:**
Full Day: Risk Management
Full Day: Infection Control
Motion Prevailed

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Cynthia Stevens

Vote **Yea:** Ward Cromer, Ph.D., Dr. Stephen DuLong, Dr. Cynthia Stevens, Ms. Ailish Wilkie, CPHQ.
Nay: Dr. Milton Glicksman, Dr. John Hsu, Dr. Roderick Lewin,
Abstain: Dr. Mina Paul
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Justification:

- Licensee violated 234 CMR 5.13, Non-delegable duties, by practicing beyond the scope of her dental hygiene license, where licensee performed and billed for periodic exams, prescribed Valium and Chloral hydrate for a patient she determined would be unmanageable; and repeatedly treated patient for prophylaxis without ensuring that a dentist examined patient.
- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05 (3) by failing to comply with the Centers for Disease Control Infection Control Guidelines for Dental Healthcare Settings. Said deficiencies include, but are not limited to: failure to conduct weekly spore tests; failure to use internal indicators with wrapped cassettes; failure to sterilize straight hand pieces after patient use and to remove burs prior to sterilization; and, failure to maintain sterility of Rinn X-ray holders used for exposing radiographs.

--In the Matter of DEN-2012-0010: Alyssa McLeod, RDH

Allegations: Infection control violations

Motion: To offer Stayed Probation for six months, to include the following Continuing Education:

Full Day: Risk Management

Full Day: Infection Control

Motion Made By: Dr. John Hsu

Second: Dr. Milton Glicksman

Vote: Unanimous

Justification: • Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05 (3) by failing to comply with the Centers for Disease Control Infection Control Guidelines for Dental Healthcare Settings. Said deficiencies include, but are not limited to: failure to conduct weekly spore tests; failure to use internal indicators with wrapped cassettes; failure to sterilize straight hand pieces after patient use and to remove burs prior to sterilization; and, failure to maintain sterility of Rinn X-ray holders used for exposing radiographs.

--In the Matter of DEN-2012-0011: Sara Hicks, RDH

Allegation: Infection control violations

Motion: To offer Stayed Probation for six months, to include the following Continuing Education:

Full Day: Risk Management

Full Day: Record Keeping

Motion Made By: Dr. Cynthia Stevens

Second: Dr. Stephen DuLong

Vote: Unanimous

Justification: • Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05 (3) by failing to comply with the Centers for Disease Control Infection Control Guidelines for Dental Healthcare Settings. Said deficiencies include, but are not limited to: failure to conduct weekly spore tests; failure to use internal indicators with wrapped cassettes; failure to sterilize straight hand pieces after patient use and to remove burs prior to sterilization; and, failure to maintain sterility of Rinn X-ray holders used for exposing radiographs.

Board of Registration in Dentistry
General Session Minutes
July 18, 2012
Adopted by Board September 5, 2012

The Board requested Board Staff to write a letter to the Dental Director of Hillcrest Dental Care requesting a corrective action plan for all deficiencies, including prescribing, treatment planning, sedation monitoring, appropriate permits, and scope of practice.

--Dr. James Reilly, Retired Program Director of CDAD, Massachusetts Dental Society

Board Chair Dr. Mina Paul yielded the floor to Dr. James Reilly, who introduced Dr. Douglas R. Howard, the newly-appointed Program Director of CDAD.

--In the Matter of DEN-2012-0043: Dr. Ofelia Mabry

Allegations: Infection control violations and practicing beyond the scope

Motion: To offer Probation for one year, to include the following
Continuing Education:
Full Day: Risk Management
Full Day: Record Keeping

Motion Made By: Dr. Roderick Lewin

Second: Ward Cromer, Ph.D.

Vote: Unanimous

Recused: Dr. Stephen DuLong

Justification:

- Licensee violated 234 CMR 5.06 and 9.04 (19) where Licensee prescribed medications for her sister without documenting the prescription or providing a justification for said prescription; where Licensee self-prescribed Ambien (a schedule IV medication) and where Licensee, in 2011, wrote prescriptions without a current and valid Massachusetts Controlled Substance Registration.
- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05 (3) by failing to comply with the Centers for Disease Control Infection Control Guidelines for Dental Healthcare Settings. Said deficiencies include, wrapped cassettes lacked internal indicators and the failure to maintain local anesthesia metal syringes in sterilization pouches prior to each patient use.
- Licensee violated 234 CMR 6.15 (2) (f), Local Anesthesia, by failing to have a bag-valve-system for portable Oxygen tank.
- Licensee violated Board Policy allowing the administration of Botox only by dentists trained as oral and maxillofacial surgeons.

--In the Matter of DEN-2011-0194: Dr. Kevin Coughlin

Allegation: Inferior treatment

Motion: To dismiss the matter with an advisory letter regarding compliance with Board's Regulation at 234 CMR 5.15, Content of Patient Records.

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote: Unanimous

--In the Matter of SA-INV-2551: Dr. Anthony Olatunji

Allegation: Infection control violation

Motion: To not open as a complaint.

Motion Made By: Dr. Cynthia Stevens

Second: Dr. Milton Glicksman

Vote: Unanimous

--In the Matter of SA-INV-2556: Dr. Robert Mehanna

Allegation: Fraud

Motion: To not open as a complaint.

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

--In the Matter of SA-INV-2368: Dr. Patrick McCarty

Allegation: Self reporting of an adverse occurrence regarding the administration of sedation anesthesia

Motion: To not open as a complaint.

Motion Made By: Dr. Roderick Lewin

Second: Dr. Milton Glicksman

Vote: Unanimous

--In the Matter of SA-INV-2271: Dr. Eli Factor

Allegations: Patient abandonment and inferior treatment

Motion: **To not open as a complaint and send an advisory letter regarding compliance with Board's Regulation at 234 CMR 5.15, Content of Patient Records.**

Motion Made By: Dr. Roderick Lewin

Second: Dr. Cynthia Stevens

Vote: Unanimous

--In the Matter of DEN-2011-0026: Dr. Ekta Sagar

Allegation: Inferior treatment

Motion: **To offer Consent Agreement for three months Probation, and to include the following Continuing Education:**
Full Day: Risk Management
Full Day: Record Keeping
Full Day: Ethics, course may be taken on-line

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote: Unanimous

Justification: • Licensee violated M. G. L. c. 112, §61 and 234 CMR 9.05 (14) and (18) by falsifying a patient approval form for dentures fabricated for the patient.

--In the Matter of DEN-2011-0027: Dr. Isam Hamati

Allegation: Inferior treatment

Motion: **To dismiss the matter with an advisory letter regarding general concerns of the Board regarding practices at Aspen Dental locations owned by the licensee.**

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote: Unanimous

--In the Matter of DEN-2011-0044: Dr. Benjamin Gamm

Allegations: Infection control and regulatory violations

Motion: To offer Probation for one year, to include the following
Continuing Education:

Full Day: Risk Management

Full Day: Record Keeping

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Cynthia Stevens

Vote Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05 (3) by failing to comply with the Centers for Disease Control Infection Control Guidelines for Dental Healthcare Settings. Said deficiencies include, the failure to conduct weekly spore tests.
- Licensee violated 234 CMR 5.16 (1) and (2) by failing to maintain an Emergency Drug Kit and to have an Emergency Protocol.
- Licensee violated 234 CMR 6.15, Local Anesthesia, by failing to maintain a bag-valve mask system, and a Sphygmomanometer and stethoscope
- Licensee violated 234 CMR 5.15 (3) (h), by failing to maintain lab prescriptions in the patient record.

--In the Matter of DEN-2012-0026: Dr. Jana Sokol

Allegations: Business practice issues

Motion: To offer Suspension for thirty days, to include the following
requirement:

**Full Semester: Graduate-Level Full Semester Ethics
Course**

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote:

Unanimous

Justification:

- Licensee violated 234 CMR 9.05 (14) where on patient's initial visit, Licensee overexposed patient to radiation by taking a full-mouth series of radiographs and a panorex; by over diagnosing periodontitis and treatment planning unnecessary treatment for four quadrants of root planning; and prescribing antibiotics for treatment that was not necessary. Patient subsequently sought a second opinion and was informed that he did not have periodontitis but did have general to moderate plaque, slight supragingival calculus, and that a three month recall visit was necessary to examine patient's progress and further examination regarding periodontal condition.
- Licensee violated 234 CMR 9.05 (13) and (17) by initially informing Board that she did not take a panorex radiograph where patient had provided Board with a copy of said radiograph, Licensee's notes in patient record indicated that a panorex had been taken, and Licensee finally provided Board with copy of panorex.
- Licensee violated M.G. L. c. 112, § 51A and 234 CMR 8.02 (1), by failing to complete continuing education required for license renewal for license renewal period of January 1, 2008-December 31, 2010, License Renewal Date, March 31, 2010.
- Licensee violated 234 CMR 8.07(2) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled
- Licensee violated 234 CMR 5.15, Content of Patient Record, by failing to perform and/or document in the patient record: radiographic findings; intra-oral and extra-oral exam, when a comprehensive exam was billed to patient's insurance; and, diagnosis of periodontal findings when four quadrants for scaling and root planing were treatment planned.
- Licensee violated M.G. L. c. 112, § 51A and 234 CMR 8.02 (1), by failing to complete continuing education required for license renewal for license renewal period January 1, 2008-December 31, 2009, License Renewal Date, March 31, 2010.
- Licensee violated 234 CMR 8.07(2) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled

- Licensee violated 234 CMR 9.05 (7) by failing to comply paragraph (10) of the Consent Agreement for Probation/Stayed (effective date, June 1, 2011) requiring Licensee not to violate and Board statutes and regulations governing the practice of dentistry in the Commonwealth.

--In the Matter of DEN-2012-0040: Dr. Nalton Farraro

Allegation: Inappropriate conduct

Motion: **To dismiss the matter without prejudice.**

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote: **Yea:** Dr. Stephen DuLong, Dr. Milton Glicksman, Dr. Roderick Lewin, Dr. Cynthia Stevens, Ms. Ailish Wilkie, CPHQ.
Nay: Ward Cromer, Ph.D.
Abstain: Dr. Mina Paul
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

--In the Matter of SA-INV-2089: Dr. Tofigh Raayai

Dr. Roderick Lewin served as the Chair Person.

Allegation: Inferior treatment

Motion: **To not open as a complaint and send an advisory letter regarding compliance with Board's Regulation at 234 CMR 5.15, Content of Patient Records.**

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

Recused: Dr. Mina Paul

--In the Matter of SA-INV-2149: Dr. Barton Tayer

Allegation: Business practice issues

Motion: To not open as a complaint and send an advisory letter regarding compliance with Board's Regulation at 234 CMR 5.15, Content of Patient Records.

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote Unanimous

*Dr. Mina Paul returned to meeting after she recused for the pending matter SA-INV-2089:
Dr. Tofigh Raayai.*

--In the Matter of DEN-2011-0016: Dr. Clifford Snyder

Allegation: Inferior treatment, abandonment and neglect

Motion: To offer Stayed Probation for six months, to include the following Continuing Education:

Full Day: Risk Management

Full Day: Record Keeping

Full Day: Diagnosis & Treatment Planning

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 9.04 (14) where following treatment of patient Licensee failed to expose a post treatment radiograph when patient complained of continued pain.
- Licensee violated 234 CMR 5.15, Content of Patient Records by failing to properly document the patient record, including but not limited to the failure to perform and/or document: charting of existing restorations and/or hard tissue; a periodontal exam after observing on February 4, 2008, general interproximal inflammation and bleeding on tooth #31; expose a full series of radiographs over eleven years of treatment; provide a treatment plan with associated fees, and provide the Board and/or maintain a Specific Consent Form prior to fabrication of a crowns for teeth #'s 30 and 31.

--In the Matter of DEN-2011-0049: Dr. Mikhail Gomer

Allegation: Failure to adhere to the standards of practice

Motion: **To offer Stayed Probation for six months, to include the following Continuing Education:**
Half Day: Risk Management

Motion Made By: Dr. Milton Glicksman

Second: Dr. Roderick Lewin

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.15 (f) (2) and 9.05 (14) by failing to confirm the correct tooth to be extracted with patient's general dentist and by failing to obtain a signed Specific Informed Consent Form from the patient prior to extracting the wrong tooth.

Approval of Minutes of June 6, 2012 Meeting

Motion: **To approve minutes of June 6, 2012, General Session.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Cynthia Stevens

Vote: Unanimous

Dr. John Hsu left the meeting at 12:57 p.m.

Motion: **To approve minutes of June 6, 2012, Adjudicatory Session.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Cynthia Stevens

Vote: Unanimous

Motion: **To approve minutes of June 6, 2012, M.G.L.c.112, §65C Session.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Cynthia Stevens

Vote: Unanimous

Administrative Matters

--Report of Patient Death, Pursuant to 234 CMR 6.17

Board members asked staff to write a letter of thanks to counsel for the dentist who reported the incident.

--Botox and Dermal Fillers Working Group

Chair Dr. Mina Paul informed members that the working group met on July 11 and that a draft report has been completed. A draft policy is forthcoming and will need to be reviewed by the Legal department of DPH before it is brought before the Board.

Probation Matters—Requests for Reinstatement—Karen Fishman, Probation Monitor

--In the Matter of DEN-2012-0052:Dr. S. George Colt

Motion: To reinstate Dr. George Colt's license to a term of Probation for two years with the following terms and conditions:

- Licensee shall submit quarterly spore test results to the Board;
- Licensee, prior to reopening his practice, shall submit documentation demonstrating all deficiencies cited during the compliance inspection have been corrected.
- Licensee shall notify the Board if closes and/or sells his practice.

Motion Made By: Dr. Milton Glicksman

Second: Dr. Roderick Lewin

Vote: Unanimous

--In the Matter of DEN-2011-0114 and DEN-2011-0144: Dr. Paul Virgadamo

Motion: To reinstate Dr. Paul Virgadamo's license to a term of Probation for two years with the following terms and conditions:

- Licensee shall submit quarterly spore test results to the Board;
- Licensee, prior to reopening his practice, shall submit documentation demonstrating all deficiencies cited during the compliance inspection have been corrected.
- Licensee shall notify the Board if he closes and/or sells his practice.

Motion Made By: Dr. Cynthia Stevens

Second: Dr. Roderick Lewin

Vote Unanimous

Late Renewals—Dental Hygienists—Board Counsel Marsha Bird

--In the Matter of DEN-2012-0044: Sara Atkins, RDH

Allegations: Failure to renew license to practice dental hygiene and practiced with an expired license

Motion: To Reprimand licensee for failing to renew her license to practice dental hygiene by March 31, 2011 and practicing with an expired license.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Roderick Lewin

Vote: Unanimous

Justification:

- M.G. L. c. 112, §51 and 234 CMR 4.10 (2) Failure to Renew License to Practice Dental Hygiene
- M. G. L. c. 112, §52 and 234 CMR 9.05 (6) Practice with an Expired Dental Hygiene License
- 234 CMR 4.11 (1): Failure to notify Board of address change within 30 calendar days of such change

--In the Matter of DEN-2012-0065: Janet McLane, RDH

Allegation: Failure to renew license to practice dental hygiene and practiced with an expired license

Motion: **To Reprimand licensee for failing to renew her license to practice dental hygiene by March 31, 2011 and practicing with an expired license.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Roderick Lewin

Vote: Unanimous

Justification:

- M.G. L. c. 112, §51 and 234 CMR 4.10 (2) Failure to Renew License to Practice Dental Hygiene
- M. G. L. c. 112, §52 and 234 CMR 9.05 (6) Practice with an Expired Dental Hygiene License

--In the Matter of DEN-2012-0046: Dr. Joy Marie John

Motion: **To dismiss matter with an advisory letter regarding licensee's duty to ensure that all licensed professionals in her practice maintain current and valid licenses.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Roderick Lewin

Vote: Unanimous

Justification:

- M.G. L. c. 112, §52: Employment of hygienist without a current and valid license.
- 234 CMR 5.02(3) (b) (1): Dental Director and any other owner or licensee practicing shall be responsible for ensuring that dental auxiliaries comply with licensure requirements.

--In the Matter of DEN-2012-0047: Dr. Amanda Peer

Motion: **To dismiss matter with an advisory letter regarding licensee's duty to ensure that all licensed professionals in her practice maintain current and valid licenses.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Roderick Lewin

Vote: Unanimous

Justification:

- M.G. L. c. 112, §52: Employment of hygienist without a current and valid license.
- 234 CMR 5.02(3) (b) (1): Dental Director and any other owner or licensee practicing shall be responsible for ensuring that dental auxiliaries comply with licensure requirements.

--In the Matter of DEN-2012-0048: Dr. Kierstin Kerr

Motion: To dismiss matter with an advisory regarding licensee's duty to ensure that all licensed professionals in her practice maintain current and valid licenses.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Roderick Lewin

Vote: Unanimous

Justification:

- M.G. L. c. 112, §52: Employment of hygienist without a current and valid license.
- 234 CMR 5.02(3) (b) (1): Dental Director and any other owner or licensee practicing shall be responsible for ensuring that dental auxiliaries comply with licensure requirements.

--In the Matter of DEN-2012-0051: Dr. Thomas Puschak

Motion: To dismiss matter with an advisory letter regarding licensee's duty to ensure that all licensed professionals in his practice maintain current and valid licenses.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Roderick Lewin

Vote: Unanimous

Justification:

- M.G. L. c. 112, §52: Employment of hygienist without a current and valid license.
- 234 CMR 5.02(3) (b) (1): Dental Director and any other owner or licensee practicing shall be responsible for ensuring that dental auxiliaries comply with licensure requirements.

Board of Registration in Dentistry
General Session Minutes
July 18, 2012
Adopted by Board September 5, 2012

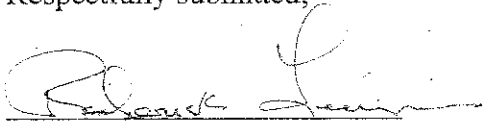
Motion: To adjourn the meeting at 12:55 p.m.

Motion Made By: Dr. Cynthia Stevens

Second: Ward Cromer, Ph.D.

Vote: Unanimous

Respectfully submitted,



Dr. Roderick Lewin, Secretary *RL*

Date: 10/2/12