Commonwealth of Massachusetts

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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June 1, 2022

Via WebEx from 250 Washington Street

# Boston, Massachusetts 02108

# **AGENDA**

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Access Code: 2538 516 7822 Attendee ID: #

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| Time | # | Item | Exhibits | Contact |
| 8:30 a.m. | **I** | **CALL TO ORDER, DETERMINATION OF QUORUM, AND** APPROVAL OF AGENDA |  |  |
| 8:32 | **II** | **EXECUTIVE SESSION (closed to the public)**  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 evaluate the Good Moral Character of an applicant for licensure.  Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve medical records and information of patients. |  |  |
| 10:45 | **III** | ADJUDICATORY SESSION (closed to the public) |  |  |
| 11:00 | **IV** | COMPLAINT RESOLUTION: PENDING BOARD MATTERS  1. SA-INV-17484: Dr. Pushpak Patel 2. SA-INV-17485: Dr. Meghan Wilhelmi 3. DEN-2019-0114: Aixa Colon, RDA 4. DEN-2020-0060: Lindsey Testa, RDA 5. DEN-2020-0063: Andrea Cantone, RDA 6. SA-INV-18617: Dr. Shahram Navid | Investigation Reports,  Memos, Attachments | J Bueno  D El-Majdoubi |
| 11:40 | **V** | ADMINISTRATIVE MATTERS  1. Application for License Reactivation: Maryann Kambouris, RDH 2. Application for License Reactivation: Darlene Hodas, RDH 3. Update: In-Person Board Meetings 4. EFDA Workgroup Meetings 5. GMC Staff Action Report 6. Review of General Session Minutes of May 4, 2022 | Memos, Report,  Draft Minutes | B Young |
| 12:30 pm | **VI** | PROBATION MATTERS  1. Review of Compliance: DEN-2018-0053: Sabine Dumel, RDA 2. Probation Monthly Report | Memo, Attachments,  Report | K Fishman |
| 12:50 | **VII** | **FLEX SESSION** |  |  |
| 1:00 |  | **ADJOURNMENT** |  |  |

**MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY**

**250 Washington Street, Boston, MA 02108**

**GENERAL SESSION MINUTES**

**June 1, 2022**

**Present:**  Dr. Michael Scialabba, Board Chair; Dr. Thomas Trowbridge, Board Secretary;

Dr. Patricia Wu; Dr. Richard T. Miller, Ms. Jacyn Stultz, RDH; Ms. Stacy Haluch, RDH; Ms. Jennifer McKeon, RDH, CDA

**Absent:** Dr. Seema Jacob; Ms. Ailish Wilkie

**Board Staff Present:** Barbara A. Young, RDH, Executive Director; Jeffrey Mills, Asst. Executive Director; Heather Engman, Esq., Chief Board Counsel; Michael Egan, Esq., Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; OPP Investigators Kathleen O’Connell, Deborah El-Majdoubi, Eileen Mulligan and Jaris Bueno; Probation Department Coordinator Karen Fishman

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| **Motion:** | **At 8:30 a.m., to adopt the proposed agenda for today’s meeting** |
| **Motion Made By:** | Ms. Jacyn Stultz |
| **Second:** | Ms. Stacy Haluch |
| **Vote:** | Unanimous |

*At 8:32 a.m., Dr. Scialabba announced that the Board will meet in a closed session as authorized 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 the treatment of patients. The 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 meet in a closed Adjudicatory Session before returning to its General Session and adjourning the meeting for the day.*

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| **Motion:** | **At 8:33 a.m., to enter an Executive Session pursuant to**  **M.G.L. c. 30A, §21(a)(1)** |
| **Motion Made By:** | Dr. Thomas Trowbridge |
| **Second:** | Ms. Jacyn Stultz |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,  Dr. Richard T. Miller, Dr. Patricia Wu, Ms. Stacy Haluch,  Ms. Jacyn Stultz, Ms. Jennifer McKeon  **Opposed:** None  **Abstain:** None |

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| **Motion:** | **At 10:03 a.m., to enter an Adjudicatory Session** |
| **Motion Made By:** | Ms. Jacyn Stultz |
| **Second:** | Ms. Stacy Haluch |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,  Dr. Richard T. Miller, Dr. Patricia Wu, Ms. Stacy Haluch,  Ms. Jacyn Stultz, Ms. Jennifer McKeon  **Opposed:** None  **Abstain:** None |

*The Board took its morning recess at 10:14 a.m. and resumed its meeting at 11:00 a.m.*

**Complaint Resolution – Investigator Jaris Bueno**

**--In the Matter of SA-INV-17484: Dr. Pushpak Patel**

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

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| **Issue:** | Business practice issues; Permitting a dental assistant to practice beyond scope of authority |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. Bueno informed the Board the complainant is a dental hygienist that was previously employed by the licensee who is alleging the licensee permitted a dental assistant to scale patients’ teeth. Ms. Bueno noted the licensee denies the allegations. Dr. Miller asked Ms. Bueno if any of the licensee’s dental assistants were interviewed; Ms. Bueno replied she did not talk to any of the licensee’s assistants but rather noted the licensee provided the names of the dental assistants who admitted to him that they had scaled patients’ teeth. Ms. Stultz asked Ms. Bueno if she reviewed the licensee’s appointment records; Ms. Bueno replied the licensee stated the previous practice owners allowed the dental assistant to scale patients’ teeth. Dr. Scialabba asked if the dental assistants admitted to scaling teeth or if the licensee name those dental assistants who admitted to doing so; Ms. Bueno replied the licensee provided the names of the dental assistants.  Ms. Bueno also noted the licensee was deficient CEUs, including the mandatory courses, for the 2018-2020 licensure cycle. |
| **Motion:** | **To open a formal complaint on the grounds of permitting dental assistants to practice beyond the scope of their authority and non-compliance with the CEU requirements.** |
| **Motion Made By:** | Dr. Michael Scialabba |
| **Second:** | Dr. Richard T. Miller |
| **Vote:**  **Motion:**  **Motion Made By:**  **Second:** | **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,  Dr. Richard T. Miller, Dr. Patricia Wu, Ms. Stacy Haluch,  Ms. Jacyn Stultz, Ms. Jennifer McKeon  **Opposed:** None  **Abstain:** None  **To open formal complaints on the grounds of practicing beyond the scope of their authority against each of the three dental assistants named by the licensee in his response to this complaint**  Ms. Jacyn Stultz  Dr. Thomas Trowbridge |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,  Dr. Richard T. Miller, Dr. Patricia Wu, Ms. Stacy Haluch,  Ms. Jacyn Stultz, Ms. Jennifer McKeon  **Opposed:** None  **Abstain:** None |

**Complaint Resolution – Investigator Jaris Bueno**

**--In the Matter of SA-INV-17485: Dr. Meghan Wilhelmi**

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

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| **Issue:** | Business practice issues; Permitting a dental assistant to practice beyond the scope of authority |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. Bueno noted this licensee is a co-owner of the practice with Dr. Pushpak Patel and also denies permitting dental assistants to scale patients’ teeth. |
| **Motion:** | **To open a formal complaint on the grounds of permitting dental assistant to practice beyond the scope of their authority** |
| **Motion Made By:** | Ms. Jacyn Stultz |
| **Second:** | Ms. Jennifer McKeon |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,  Dr. Richard T. Miller, Dr. Patricia Wu, Ms. Stacy Haluch,  Ms. Jacyn Stultz, Ms. Jennifer McKeon  **Opposed:** None  **Abstain:** None |

**Complaint Resolution – Investigator Jaris Bueno**

**--In the Matter of DEN-2019-0114: Aixa Colon, RDA**

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

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| **Issue:** | Unlicensed practice by a dental assistant; CEU violations |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. Bueno informed the Board the allegations are the licensee practiced on an expired license from 11/1/17 to 8/6/19 and failed to complete the required CEUs for the 2017-2019 licensure cycle. Ms. Bueno noted the licensee denies the allegations as she stated she was promoted to office manager and did not assist chairside but admitted to sterilizing dental instruments and disinfecting operatories between patients. Ms. Bueno also noted the licensee has yet to provide proof she completed 12 CEUs during the 2019-2021 licensure cycle.  Ms. Stultz asked if the licensee worked in Massachusetts; Ms. Bueno replied the licensee primarily works in Rhode Island. Ms. Young asked if the licensee renewed her license; Ms. Bueno replied she did. |
| **Motion:** | **To offer a Consent Agreement for Stayed Probation for 6 Months to include the completion of the following conditions and remedial coursework:**   * **3 Hours: Risk management** * **1 Hour: Ethics** * **Successful completion of 15 deficient CEUs** * **Stayed probation period may be terminated early by the licensee upon evidence of the successful completion of the coursework and ethics/jurisprudence exam as stated.**   **If this agreement is not accepted by the licensee, the matter will be referred to prosecution.** |
| **Motion Made By:** | Ms. Jacyn Stultz |
| **Second:** | Dr. Thomas Trowbridge |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,  Dr. Richard T. Miller, Dr. Patricia Wu, Ms. Stacy Haluch,  Ms. Jacyn Stultz, Ms. Jennifer McKeon  **Opposed:** None  **Abstain:** None |

**Complaint Resolution – Investigator Jaris Bueno**

**--In the Matter of DEN-2020-0060: Lindsey Testa, RDA**

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

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| **Issue:** | Unlicensed practice by a dental assistant |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. Bueno informed the Board the allegations are the licensee practiced on an expired license from 5/20/19 to 3/15/20. Ms. Bueno noted the licensee denies the allegations as she stated she did provide a letter of intent but we have no record of receiving that letter. Ms. Bueno noted the licensee graduated from a dental assisting program in 2019 making her ineligible for the letter of intent exception. Ms. Bueno noted the licensee was granted a license as a formally trained dental assistant in 2020. Ms. McKeon noted the licensee is now enrolled in dental hygiene school. |
| **Motion:** | **To offer a Consent Agreement for Stayed Probation for 6 Months to include the completion of the following conditions and remedial coursework:**   * **3 Hours: Risk management** * **1 Hour: Ethics** * **Stayed probation period may be terminated early by the licensee upon evidence of the successful completion of the coursework and ethics/jurisprudence exam as stated.**   **If this agreement is not accepted by the licensee, the matter will be referred to prosecution.** |
| **Motion Made By:** | Ms. Jacyn Stultz |
| **Second:** | Dr. Thomas Trowbridge |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,  Dr. Richard T. Miller, Dr. Patricia Wu, Ms. Stacy Haluch,  Ms. Jacyn Stultz, Ms. Jennifer McKeon  **Opposed:** None  **Abstain:** None |

**Complaint Resolution – Investigator Jaris Bueno**

**--In the Matter of DEN-2020-0063: Andrea Cantone, RDA**

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

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| **Issue:** | Unlicensed practice by a dental assistant |
| **Materials Reviewed:**  **Discussion:** | Investigative report with attachments  Ms. Bueno informed the Board the allegations are the licensee practiced without a valid license from Sept. 2016 until 2/20/20 when she was issued a license. Ms. Bueno noted the licensee started the process of obtaining her license in 2016 but never completed her application. |
| **Motion:** | **To offer a Consent Agreement for Stayed Probation for 6 Months to include the completion of the following conditions and remedial coursework:**   * **3 Hours: Risk management** * **1 Hour: Ethics** * **Successful completion of 15 deficient CEUs** * **Stayed probation period may be terminated early by the licensee upon evidence of the successful completion of the coursework and ethics/jurisprudence exam as stated.**   **If this agreement is not accepted by the licensee, the matter will be referred to prosecution.** |
| **Motion Made By:** | Ms. Jacyn Stultz |
| **Second:**  **Vote:** | Ms. Jennifer McKeon  **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,  Dr. Richard T. Miller, Dr. Patricia Wu, Ms. Stacy Haluch,  Ms. Jacyn Stultz, Ms. Jennifer McKeon  **Opposed:** None  **Abstain:** None |

**Complaint Resolution – Investigator Deborah El-Majdoubi**

**In the Matter of SA-INV-18617: Dr. Shahram Navid**

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

**Issue:** Infection control violations

**Materials Reviewed:** Investigative report with attachments

**Discussion:** Ms. El-Majdoubi informed the Board it received a referral from the Peabody board of health regarding possible infection control issues at the licensee’s dental practice. Ms. El-Majdoubi noted an inspection was conducted on 11/23/21 but few violations were discovered, i.e. the licensee’s dental instruments were not rusty but rather discolored. Ms. El-Majdoubi noted expired medicaments were discovered but the licensee removed those medicaments immediately and replaced them with up to date products.

Dr. Trowbridge suggested opening a formal complaint on the grounds of CEU violations and infection control violations but Ms. El-Majdoubi asked the reason for the infection control violations; Dr. Trowbridge replied because of the expired medicaments. Ms. El-Majdoubi did note the licensee was able to locate his CEU certificates and provided them to the Board.

**Motion: To not open a formal complaint as no evidence of violation found with an advisory letter on the infection control requirements**

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

**Second:** Dr. Michael Scialabba

**Vote: In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,

Dr. Richard T. Miller, Dr. Patricia Wu, Ms. Stacy Haluch,

Ms. Jacyn Stultz, Ms. Jennifer McKeon

**Opposed:** None

**Abstain:** None

**Administrative Matters:**

1. **Request for Consideration of an Application to Reactivate an Expired Dental Hygiene License – Executive Director Barbara A. Young, RDH**

**In Re: Maryann G. Kambouris, DH7407**

*The licensee was present, via WebEx, for the discussion and vote of the Board on this issue and answered all questions as appropriate.*

The licensee informed the Board she last practiced clinical dental hygiene in 2009 but mistakenly let her license expire in March 2021 noting she was taking care of her ill parents at the time. The licensee noted she graduated from Forsyth in 1983 and has never been disciplined by the Board and that she practiced at Harvard and the Brigham Women’s’ Hospital for years before moving to private practice. Ms. Young noted the Board’s standard resolution is to require a licensee to either retake a clinical competency exam or to complete the clinical refresher course offered by Ms. Joyce Turcotte in Connecticut.

The licensee’s husband, an attorney, joined the discussion and noted it was not fair to the licensee to require her to retake the exam or complete the refresher course as the licensee has kept up with her CEU requirements. Atty. Engman asked the licensee if she practiced since her license expired; the licensee replied she has not. The licensee’s husband stated technology is not a priority for the licensee. Atty. Engman suggested deferring the matter so she may have time to review the orders issued by Gov. Baker in response to the pandemic but Ms. Young noted the Board has a history of requiring other dental hygienists in a similar situation to retake the exam or complete the refresher course; Dr. Scialabba agreed. Ms. Stultz agreed and noted if the licensee opts to retake the clinical competency exam, she must pass all sections including the didactic portion.

**Motion: To reactivate the licensee’s expired dental hygiene license upon proof she has passed all sections of a retaking of a dental hygiene clinical competency exam or proof she has completed a dental hygiene clinical refresher course**

**Motion Made By:** Ms. Stacy Haluch

**Second:** Ms. Jacyn Stultz

**Vote: In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,

Dr. Richard T. Miller, Dr. Patricia Wu, Ms. Stacy Haluch,

Ms. Jacyn Stultz, Ms. Jennifer McKeon

**Opposed:** None

**Abstain:** None

1. **Request for Reconsideration of an Application to Reactivate an Expired Dental Hygiene License – Executive Director Barbara A. Young, RDH**

**In Re: Darlene A. Hodas, DH9603**

*The licensee and Hannah Konowitz, Esq. were present, via WebEx, for the discussion and vote of the Board on this issue; the licensee answered all questions as appropriate.*

Ms. Young informed the Board it previously considered the licensee’s request to reactivate her expired dental hygiene license during its July 2021 meeting and voted to require the licensee to submit proof she had passed all sections of a retaking of a clinical dental hygiene exam. Ms. Young noted the licensee’s request is before the Board again as the licensee is now asking for permission to complete a dental hygiene clinical refresher course instead of retaking a dental hygiene clinical competency exam.

Ms. Stultz noted she is happy with either option and the Board members agreed.

**Motion: To reactivate the licensee’s expired dental hygiene license upon proof she has passed all sections of a retaking of a dental hygiene clinical competency exam or proof she has completed a dental hygiene clinical refresher course**

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

**Second:** Ms. Stacy Haluch

**Vote: In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,

Dr. Richard T. Miller, Dr. Patricia Wu, Ms. Stacy Haluch,

Ms. Jacyn Stultz, Ms. Jennifer McKeon

**Opposed:** None

**Abstain:** None

1. **Update on return to in-person Board meetings**

Ms. Young informed the Board she has no new information to provide the Board and indicated it’s not likely the Board will return to in-person meetings until September.

1. **Update on Expanded Functions Dental Assisting Workgroup**

Ms. Young noted Ms. Haluch has volunteered to chair this workgroup but indicated the Board must establish a quorum for the workgroup before it will be permitted to meet. Ms. McKeon and Ms. Stultz volunteered to join the workgroup.

**Motion: To set the quorum for the expanded functions dental assisting workgroup as three Board members**

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

**Second:** Ms. Stacy Haluch

**Vote: In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,

Dr. Richard T. Miller, Dr. Patricia Wu, Ms. Stacy Haluch,

Ms. Jacyn Stultz, Ms. Jennifer McKeon

**Opposed:** None

**Abstain:** None

1. **GMC Staff Action Report**

Mr. Mills noted there is no GMC staff action report for this month.

1. **Review of the General Session Minutes of the Board Meeting on May 4, 2022**

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| **Motion:** | **To approve the General Session Minutes of the May 4, 2022, Board meeting** |
| **Motion Made By:** | Dr. Michael Scialabba |
| **Second:** | Dr. Thomas Trowbridge |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,  Dr. Richard T. Miller, Dr. Patricia Wu, Ms. Jacyn Stultz, Ms. Jennifer McKeon  **Opposed:** None  **Abstain:** Ms. Stacy Haluch |

**Probation Matters:**

1. **Review of Compliance– by Karen Fishman, Probation Department Coordinator**

**--In the Matter of DEN-2018-0053: Sabine Dumel, RDA**

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

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| **Materials Reviewed:** | Probation report with attachments |
| **Discussion:** | Ms. Fishman informed the Board the licensee accepted a consent agreement for stayed probation for 6 months, effective 2/16/21, to resolve a complaint for unlicensed practice. Ms. Fishman noted the licensee requested an extension that Ms. Fishman granted until 11/16/21. Ms. Fishman noted the licensee completed all required CEUs except for the deficient CEUs for the 2017-2019 licensure cycle so Ms. Fishman contacted the licensee on 11/17/21. Ms. Fishman stated the licensee forwarded Ms. Fishman’s email to her employers but has yet to provide those missing CEUs. The licensee stated she does have proof she completed one course in 2019 but noted she was having health issues at the time. Ms. Young informed the licensee she needs to make up 12 CEUs and asked how much time she would need to do so. |
| **Motion:** | **To find the licensee in violation of her probation and to extend her probation by two months with the same conditions as stated in the original consent agreement** |
| **Motion Made By:** | Dr. Richard T. Miller |
| **Second:** | Ms. Stacy Haluch |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,  Dr. Richard T. Miller, Dr. Patricia Wu, Ms. Stacy Haluch,  Ms. Jacyn Stultz, Ms. Jennifer McKeon  **Opposed:** None  **Abstain:** None |

**3. Probation Department Monthly Report**

Ms. Fishman submitted her monthly probation report but the Board had no questions for Ms. Fishman.

**Flex Session:**

1. Ms. Young reminded the Board of the live, interactive course being offered by the Board through the Mass. Dental Society is scheduled for tomorrow evening, June 2nd from 6:30-8:30PM.
2. Dr. Trowbridge asked if there has been any update on the “Patients First” guidance document; Ms. Young replied there is no update.
3. Mr. Mills noted the Board staff has entered its busies time of the year – graduation season – and the number of dental assistant licensure applications has increased significantly.
4. Ms. Stultz asked if renewal notices had been sent out to licensees; Ms. Young replied she believed they had been sent out but noted that task is not undertaken by Board staff.
5. Dr. Wu revisited the issue of the “Patients First” legislation and asked if the law does apply to dentists and how can the information be disseminated to the dental community. Dr. Wu suggested posting information about the legislation on the Board’s website and asking the Mass. Dental Society for help.
6. Dr. DiFabio updated the Board on the status of pending investigations noting there are currently 256 complaints of which 158 are for unlicensed practice by dental assistants and 249 pending staff assignments. Also, Dr. DiFabio noted there are currently 32 inspections pending. Ms. Stultz asked if all of the complaints opened since January 2022 have been for unlicensed practice; Dr. DiFabio replied that 253 cases have been opened since January 2022 but only 62% are for unlicensed practice. Ms. Stultz noted the Board did adopt a policy regarding the resolution of these unlicensed practice cases but Dr. DiFabio suggested that policy needs to be broadened by the Board. Ms. Young noted she will add this issue to the agenda for the next Board meeting in July.

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| **Motion:** | **At 1:01 p.m. to adjourn the meeting** |
| **Motion Made By:** | Ms. Jacyn Stultz |
| **Second:** | Dr. Richard T. Miller |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge,  Dr. Richard T. Miller, Dr. Patricia Wu, Ms. Stacy Haluch,  Ms. Jacyn Stultz, Ms. Jennifer McKeon  **Opposed:** None  **Abstain:** None |

Respectfully submitted,

Barbara A. Young, RDH

Executive Director

Date: September 20, 2022