

COMMONWEALTH OF MASSACHUSETTS

NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE

BOARD OF REGISTRATION IN DENTISTRY

June 4, 2014

239 Causeway Street ~ Room 417 A&B

Boston, Massachusetts 02114

AGENDA

Time	#	Item	Exhibits	Contact
8:30	I	CALL TO ORDER		
8:31	II	DETERMINATION OF QUORUM AND APPROVAL OF AGENDA		
8:32	III	M.G.L.c.112, §65C SESSION—CLOSED TO THE PUBLIC		
9:30	IV	ADMINISTRATIVE MATTERS Update on Dental Assisting Regulations Emergency Regulations at 234 CMR 5.00—Public Hearing on 6/13/2014 at 1 pm PHDH/Permit M Update PMP Update	Memos	B. Young, V. Berg
10:00	V	COMPLAINT RESOLUTION—PENDING BOARD MATTERS SA-INV-4540: Dr. Mark Wisniewski SA-INV-4541: Dr. Larry Lockerman DEN-2014-0032: Cynthia Picardi, RDH DEN-2014-0033: Dr. James Maslowski DEN-2014-0034: Elizabeth Pouliot, RDH DEN-2013-0162: Jocelyn Deuplisea, RDH DEN-2013-0163: Dr. Gary Little DEN-2013-0164: Dr. Maris Ditolla DEN-2013-0165: Dr. James Ditolla DEN-2013-0166: Dr. Bernard Daly DEN-2013-0139: Amanda Gemme, RDH DEN-2013-0140: Dr. Kenneth Bouchard SA-INV-3312: Dr. Wilson Hsin DEN-2013-0118: Dr. Hamid Tabrizi DEN-2013-0144: Angela McGary, RDH DEN-2013-0145: Dr. David Peck	Investigation Reports	E. Mulligan K. O'Connell L. Seeley- Murphy
10:30	VI	REVIEW OF GENERAL SESSION MINUTES Meeting of May 7, 2014	Minutes	
10:45	VII	FLEX SESSION		

11:01	VIII	<p>EXECUTIVE SESSION—CLOSED TO THE PUBLIC</p> <p>The Board will meet in Executive 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 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.</p> <p>Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients.</p> <p>Specifically, the Board will discuss and evaluate Good Moral Character as required for applicants for licensure.</p> <p>Specifically, the Board will discuss and evaluate the reputation, character, physical condition or mental health, rather than professional competence, of individuals whose licenses are suspended or on probation.</p> <p>Specifically, the Board will review prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the May 7, 2014 meeting.</p>		
1:15	IX	<p>PROBATION MATTER HEARING</p> <p>DN-08-077, DN-08-155, DEN-2010-0159, and DEN-2011-0139: Dr. Joseph Hart</p>	Notice and Exhibits	S. Leadholm
	X	ADJOURNMENT OF GENERAL SESSION		
	XI	ADJUDICATORY SESSION—CLOSED TO THE PUBLIC		
	XII	ADJOURNMENT		



Board of Registration in Dentistry
Session Minutes
2014

Adopted by the Board on July 16, 2014

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

DEVAL L. PATRICK
GOVERNOR

JOHN W. POLANOWICZ
SECRETARY

CHERYL BARTLETT, R.N.
COMMISSIONER

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY

239 Causeway Street, Boston, MA 02114

Room 417

GENERAL SESSION MINUTES

June 4, 2014

Present: Ms. Lois Sobel, RDH, Secretary; Dr. Milton Glicksman; Dr. John Hsu; Dr. Keith Batchelder; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held, M.Ed.; Ms. Jacyn Stultz, RDH; Dr. Ward Cromer, Ph.D.; Ms. Diane Grondin, CDA, Dental Assistant Advisor

Dr. Milton Glicksman arrived at 8:38 a.m. Dr. John Hsu arrived at 8:58 a.m.

Dr. Keith Batchelder arrived at 9:05 a.m.

Absent: Dr. Cynthia Stevens, Chair; Ms. Ailish Wilkie, C.P.H.Q.

Staff Present: Barbara A. Young, Executive Director; Jeffrey Mills, Assistant Executive Director; Vita Berg, Esq., Chief Board Counsel; Samuel Leadholm, Esq., Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; OPP Investigators Eileen Mulligan, Kathleen O'Connell, Lisa Seeley-Murphy and Barbara Yates; Probation Monitor Karen Fishman; Administrative Staff Genevieve Schaefer, Rosibel Rogers and Ana Bienvenu

Dr. Ward Cromer left the meeting for the day at 12:55 p.m.

Dr. David Samuels left the meeting at 1:15 p.m. and returned at 1:20 p.m.

Ms. Lois Sobel left the meeting at 1:20 p.m. and returned at 1:25 p.m.

Dr. Milton Glicksman left the meeting for the day at 1:30 p.m.

The meeting was chaired by Board Secretary Ms. Lois Sobel, RDH.

Motion: At 8:32 a.m., to commence the meeting

Motion Made By: Dr. David Samuels

Second: Ms. Jacyn Stultz

Vote: Unanimous

Motion: **To adopt the proposed agenda for today's meeting.**

Motion Made By: Dr. David Samuels

Second: Ms. Jacyn Stultz

Vote: **In Favor:** Dr. Stephen DuLong; Dr. David Samuels; Dr. Ward Cromer; Ms. Kathleen Held; Ms. Jacyn Stultz
Oppose: None
Abstain: Ms. Lois Sobel

At 8:34 a.m., Ms. Sobel announced that the Board will meet in closed session pursuant to M.G.L. c. 112, §65C to be immediately followed by, upon leaving the M.G.L. c. 112, §65C closed session, a return to General Session.

Motion: **At 8:35 a.m., To Enter M.G.L. c. 112, §65C Session**

Motion Made By: Dr. David Samuels

Second: Ms. Jacyn Stultz

Vote: **In Favor:** Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

The Board took a morning recess at 9:45 a.m. and resumed at 10:03 a.m.

Motion: **At 10:04 a.m., To Enter General Session**

Motion Made By: Dr. Ward Cromer

Second: Dr. John Hsu

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Administrative Matters:

A. Dental Assistant Regulations – Update

Ms. Young reported the proposed dental assistant regulations have been reviewed and approved by the DPH and EOHHS legal staff and have been sent to the Executive Office of Administration and Finance and the Governor's Office for final review and/or approval. Once both agencies have vetted the proposed regulations, Ms. Young stated the regulations will be presented to the Board for its consideration and promulgation hopefully in time for the July 16, 2014, BORID meeting.

B. Emergency Regulations – Update

Ms. Young reminded the Board the public hearing on the Emergency Regulations has been scheduled for 1:00 p.m. on Friday, June 13, 2014, in Rm. 417 of 239 Causeway Street, Boston. Ms. Young asked for at least one Board member to attend the public hearing as Board Chair Dr. Stevens and Board Secretary Ms. Sobel have indicated they are unavailable that afternoon. Ms. Young asked the Board members to notify her in the next few days if they are available to attend the public hearing.

C. PHDH/Permit M – Update

Ms. Young reported that she has been asked by Jim Lavery, DIPL Director and staff from DPH's governmental affairs/legal section to meet with the stakeholders interested in the Board's recent consideration of the PHDH/Permit M process. Ms. Young stated that once she has an opportunity to meet with the stakeholders, she would report their concerns to the Board so a more detailed, focused consideration of this issue may be held by the full Board at a future meeting.

D. Prescription Monitoring Program (PMP) – Update on M.G.L. c. 94C, §24A

Ms. Young provided a copy of an email from former Board Chair Dr. Mina Paul, a member of the workgroup currently reviewing the PMP. Dr. Paul reports the workgroup is focusing on the following pertinent issues:

- The act limits decision making and professional judgment as to when to utilize the PMP for a "new" patient (new being defined as 12 months); and
- The act allows only 2 designees to access the PMP for the practitioner regardless of facility size or practice size.

Consequently, Dr. Paul reports that promulgation of the regulations has been delayed. It is anticipated the regulations will be presented to the Public Health Commission sometime this summer.

E. Flex Session

1. Dr. Batchelder asked if there has been any movement on the Board's practice of reviewing cases of unlicensed practice by dentists or dental hygienists since the last meeting. Dr. Batchelder opined it would be more practical to grant Board staff the authority to deal with these cases and to assess a monetary fine in lieu of discipline. Ms.

Young reported that Ms. Berg was still reviewing the policies of other boards within DIPL and would report back as soon as possible.

2. Dr. DuLong asked for clarification on whether the Board requires all applicants for dental licensure to take the periodontal section of the NERB. Mr. Mills reported the Board does require applicants to take the periodontal section as this policy decision was made by the Board a few years ago.

3. Dr. Glicksman asked for an update on the possibility of acquiring current email addresses for all licensees as the Board continues to review too many cases of alleged infection control violations and/or failure to take the requisite pain management course. Dr. Glicksman asked if it was permissible to require a current email address from each licensee. Dr. Samuels noted that only 85% of licensed dentists are members of the Mass. Dental Society so it's possible not all dentists are receiving MDS updates. Ms. Sobel asked if email addresses are considered protected information; Ms. Young opined that they are not protected if the email account holder is using a public server to access/send emails such as Gmail, etc. Dr. Batchelder noted this would be a large project and burdensome to Board staff as it would require entering approx. 30,000 email address from licensed dentists, hygienists and assistants into the Board's database.

4. Dr. Samuels asked if the Board intended to hold its meeting in August as it has not done so in the past few years. Mr. Mills reminded the Board it typically schedules an August meeting but that meeting is not usually held. Mr. Leadholm suggested the Board hold off on cancelling the August meeting until it meets on July 16th as it's possible the dental assisting regulations will not be ready for promulgation in time for the July 16th meeting; the Board members agreed to postpone the decision on cancelling the August meeting until the July 16th meeting.

5. Dr. Samuels asked for an update on the status of the Board's workgroup on out-of-state temporary licensure; Ms. Young replied that she had yet to contact the workgroup members for possible dates/times but would do so in the next few weeks.

6. Dr. Samuels asked for an update on the case heard by the Board at its May 7th meeting that required the licensee to submit the name/curriculum vitae of a possible practice monitor to him as he has yet to receive anything from the licensee or Board staff. Mr. Leadholm reported that licensee has yet to sign the proposed Consent Agreement and that if the licensee does sign, the information will be forwarded to Dr. Samuels as soon as possible.

7. Dr. Hsu asked for an update on the PGY1 workgroup and the meeting with the three deans of the Boston area dental schools. Ms. Young reported that the workgroup chair, Dr. Mina Paul had asked the deans, at the last workgroup meeting, to meet to discuss possible changes to the wording of the pending PGY1 legislation but to date, the deans had yet to meet and/or draft any amendments so the workgroup appears to have ended.

Complaint Resolution—Investigator Eileen Mulligan

--In the Matter of SA-INV-4540: Dr. Mark Wisniewski

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

Allegation: Purchase and Possible Use of Medicaments Recalled by
Pharmaceutical Manufacturer

Discussion: Investigator Mulligan submitted her report to the Board for its consideration. Dr. Hsu asked what the licensee had done with the medication (50 mg. vials of Procaine 2%) after he learned of the recall from the manufacturer. Ms. Mulligan reported the licensee destroyed the vials. Dr. Glicksman asked if an inspection had been completed of the licensee's office; Ms. Mulligan reported no inspection had been undertaken.

Motion: To not open a complaint as no evidence of violation found.

Motion Made By: Dr. John Hsu

Second: Dr. Ward Cromer

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Complaint Resolution—Investigator Eileen Mulligan

--In the Matter of SA-INV-4541: Dr. Larry Lockerman

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

Allegation: Purchase and Possible Use of Medicaments Recalled by
Pharmaceutical Manufacturer

Discussion: After the presentation of the complaint by Investigator Mulligan, the Board opted to not discuss the matter.

Motion: To not open a complaint as no evidence of violation found.

Motion Made By: Dr. Stephen DuLong

Second: Dr. David Samuels

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Complaint Resolution – Investigator Eileen Mulligan

--In the Matter of DEN-2014-0032: Cynthia Picardi, RDH

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

Allegations: Infection Control Violations

Discussion: Investigator Mulligan submitted her report to the Board for its consideration and informed the Board this licensee is the person who initially filed the complaint against her dental employer, Dr. Landry.

Dr. Glicksman noted it is unusual for the Board to open a complaint against a complainant. Ms. Mulligan reported the licensee was very upset over the conditions in the office where she worked and tried numerous times to resolve the infection control issues with her dental employer, Dr. Landry to no avail.

Ms. Stultz noted the licensee did the right thing by trying to resolve the issues in her office and by reporting the alleged violations to the Board.

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 Licensee, the matter will be referred to Prosecution.

Motion Made By: Dr. Milton Glicksman

Second: Dr. Stephen DuLong

Discussion (cont'd): Ms. Grondin stated she supports Ms. Stultz's position and feels the hygienist complainant should not be penalized by the Board. Dr. Samuels stated then the Board should vote against the motion on the table if it agrees with Ms. Grondin and Ms. Stultz.

Vote: **In Favor:** None
Opposed: Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Abstain: Ms. Lois Sobel

(Motion Failed)

Motion: **To dismiss the complaint with an advisory letter on the regulatory requirements regarding infection control.**

Motion Made By: Dr. David Samuels

Second: Dr. John Hsu

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Complaint Resolution – Investigator Eileen Mulligan

--In the Matter of DEN-2014-0033: Dr. James Maslowski

The licensee and Eve Slattery, Esq., were present for the discussion and vote of the Board on this matter. The licensee addressed the Board answering all questions as appropriate.

Allegation: Infection Control Violations

Discussion: Ms. Mulligan informed the Board this licensee works part-time in the office of Dr. Landry and was a prospective buyer of Dr. Landry's dental practice.

Further, Ms. Mulligan stated a dental assistant in the office said the licensee was not sterilizing hand-pieces between patients but later said the licensee was bringing his own instruments to the practice in a sufficient number so sterilization was not necessary between patients.

Motion: **To dismiss the complaint as no evidence of violation found.**

Motion Made By: Dr. Milton Glicksman
Second: Dr. John Hsu
Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Discussion (cont'd): The licensee thanked the Board for its consideration of his case and expressed concern for the welfare of the hygienist complainant and she continually strives to care for the public in an appropriate manner.

Dr. Glicksman asked the licensee if he bought Dr. Landry's practice; the licensee replied he did not.

Complaint Resolution – Investigator Eileen Mulligan

--In the Matter of DEN-2014-0034: Elizabeth Pouliot, RDH

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

Allegation: Infection Control Violations

Discussion: Investigator Mulligan submitted her investigative report to the Board for its consideration and informed the Board this licensee was a hygienist in Dr. Landry's practice for 19+ years.

Further, Ms. Mulligan stated the licensee admitted to not sterilizing hand-pieces between patients and had asked Dr. Landry for new hand-pieces to no avail. The licensee also stated after the inspection, she sterilized her hand-pieces once per week.

Ms. Stultz asked if the licensee had ever filed a complaint against her dental employer Dr. Landry; Ms. Mulligan stated the licensee had not as the licensee stated she felt bad for Dr. Landry and she tried to do the best she could for her patients.

Dr. Samuels opined the biggest difference between this licensee and the hygienist who filed the complaint is that this licensee never approached the Board for help.

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

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

If this agreement is not accepted by Licensee, the matter will be referred to Prosecution.

Motion Made By: Ms. Jacyn Stultz

Second: Dr. Stephen DuLong

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Complaint Resolution – Investigator Kathleen O’Connell

--In the Matter of DEN-2013-0162: Jocelyn Deuplisea, RDH

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

Allegation: Unlicensed Dental Hygiene Practice; Expired License

Discussion: Investigator O’Connell submitted her investigative report to the Board for its consideration and stated this licensee was unlicensed from 4/1/13 through 10/17/13 and was deficient in the requisite CEU’s.

Motion: To offer a Consent Agreement for a Reprimand with the following remedial coursework to be completed within 6 Months:

- 3 Hours: Infection Control (online or live)
- 3 Hours: Ethics (online or live)

If this agreement is not accepted by Licensee, the matter will be referred to Prosecution.

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Complaint Resolution – Investigator Kathleen O’Connell

--In the Matter of DEN-2013-0163: Dr. Gary Little

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

Allegation: Violation of General Practice Standards

Discussion: Investigator O’Connell submitted her investigative report to the Board for its consideration and reported the licensee retired in October 2012 but his name is still listed on his former practice’s letterhead. Further, Ms. O’Connell reported the licensee did renew his dental license in March 2014 but is deficient 9 CEU’s. However, Ms. O’Connell reported the licensee stated he had lost many of his records relating to his completed CEU courses during Hurricane Sandy when he moved to New Jersey.

Motion: To dismiss the complaint as no evidence of violation found.

Motion Made By: Dr. David Samuels

Second: Dr. Milton Glicksman

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Complaint Resolution – Investigator Kathleen O’Connell

--In the Matter of DEN-2013-0164: Dr. Maris Ditolla

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

Allegation: Violation of General Practice Standards

Discussion: Investigator O'Connell submitted her investigative report to the Board for its consideration and stated the licensee is the co-owner of the dental practice and employer of Ms. Pouliot. Ms. O'Connell also reported the licensee is deficient in CEU's for the requisite BLS, infection control and pain management courses.

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

- 3 Hours: Infection Control
- 3 Hours: Pain Management

Further, the Licensee must provide proof of current certification in Basic Life Support for Healthcare Providers.

If this agreement is not accepted by Licensee, the matter will be referred to Prosecution.

Motion Made By: Dr. David Samuels

Second: Ms. Jacyn Stultz

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Complaint Resolution – Investigator Kathleen O'Connell

--In the Matter of DEN-2013-0165: Dr. James Ditolla

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

Allegation: Violation of General Practice Standards

Discussion: Investigator O'Connell submitted her investigative report to the Board for its consideration and stated the licensee is the other co-owner of the dental practice and employer of Ms. Pouliot. Ms. O'Connell also reported the licensee is deficient in CEU's for the requisite BLS, infection control and pain management courses and has instituted new office policies since the inspection.

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

- 3 Hours: Infection Control
- 3 Hours: Pain Management

Further, the Licensee must provide proof of current certification in Basic Life Support for Healthcare Providers.

If this agreement is not accepted by Licensee, the matter will be referred to Prosecution.

Motion Made By: Ms. Jacyn Stultz

Second: Dr. John Hsu

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Complaint Resolution – Investigator Kathleen O’Connell

--In the Matter of DEN-2013-0166: Dr. Bernard Daly

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

Allegation: Violation of General Practice Standards

Discussion: Investigator O’Connell submitted her investigative report to the Board for its consideration and reported the licensee is a general practitioner at the office of Drs. Maris and James Ditolla and is an employer of Ms. Pouliot. Ms. O’Connell reported this licensee is in full compliance with all requisite CEU’s.

Motion: To dismiss the complaint with an advisory letter on the regulatory requirements regarding employee/employer compliance with all Board regulations.

Motion Made By: Ms. Jacyn Stultz

Second: Dr. Stephen DuLong

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Complaint Resolution – Investigator Kathleen O’Connell

--In the Matter of DEN-2013-0139: Amanda Gemme, RDH

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

Allegation: Unlicensed Dental Hygiene Practice; Expired License

Discussion: Investigator O’Connell submitted her investigative report to the Board for its consideration and stated this licensee was unlicensed from 4/1/13 through 7/15/13. Ms. O’Connell reported the licensee’s employer was made aware of the licensee’s expire license and only permitted the licensee to work as a dental assistant until her dental hygiene license was renewed.

Further, Ms. O’Connell reported the licensee submitted documentation that she completed 22 hours of CEU’s but only 3 hours were acceptable; the remaining 19 hours of CEU’s were taken by the licensee after the 3/31/13 deadline for renewal.

Dr. DuLong asked if dental hygienists are sent renewal notices in the same manner as dentists; Ms. O’Connell replied that they are.

Motion: **To offer a Consent Agreement for a Reprimand with a letter informing the licensee that the 19 hours of CEU’s already completed by the licensee cannot be used for the 4/1/13 to 3/31/15 licensure renewal period.**

If this agreement is not accepted by Licensee, the matter will be referred to Prosecution.

Motion Made By: Ms. Jacyn Stultz

Second: Dr. John Hsu

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Complaint Resolution – Investigator Kathleen O’Connell

--In the Matter of DEN-2013-0140: Dr. Kenneth Bouchard

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

Allegation: Unlicensed Dental Hygiene Practice; Expired License

Discussion: Investigator O’Connell submitted her investigative report to the Board for its consideration and stated this licensee was the dental employer of Ms. Gemme.

Motion: To dismiss the complaint with an advisory letter on the regulatory requirements regarding employee/employer compliance with all Board regulations.

Motion Made By: Ms. Jacyn Stultz

Second: Dr. Milton Glicksman

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Complaint Resolution – Investigator Kathleen O’Connell

--In the Matter of SA-INV-3312: Dr. Wilson Hsin

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

Allegation: Violation of General Practice Standards

Discussion: Investigator O’Connell submitted her investigative report to the Board for its consideration.

Dr. Glicksman asked if there are any regulations that require a licensee’s office to have running hot water; Ms. O’Connell replied there is no such regulation.

Motion: To not open a complaint as no evidence of violation found.

Motion Made By: Dr. Milton Glicksman

Second: Ms. Jacyn Stultz

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Complaint Resolution – Investigator Lisa Seeley-Murphy

--In the Matter of DEN-2013-0118: Dr. Hamid Tabrizi

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

Allegation: Unlicensed Dental Practice

Discussion: Investigator Seeley-Murphy submitted her investigative report to the Board for its consideration stating this licensee was alleged to have employed an unlicensed dentist at his Malden office.

Dr. Samuels asked if there was any evidence the suspected unlicensed dentist was seeing patients and performing prophylaxis; Ms. Seeley-Murphy replied no such evidence was found.

Motion: **To dismiss the complaint as no evidence of violation found.**

Motion Made By: Dr. Milton Glicksman

Second: Dr. Stephen DuLong

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Complaint Resolution – Investigator Lisa Seeley-Murphy

--In the Matter of DEN-2013-0144: Angela McGary, RDH

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

Allegation: Unlicensed Dental Hygiene Practice; Expired License

Discussion: Investigator Seeley-Murphy submitted her investigative report to the Board for its consideration and stated this licensee was practicing on an expired dental hygiene license from 4/1/13 through 7/21/13. Ms. Seeley-Murphy reported the licensee said she had moved but had never notified the Board of her new address. Ms. Seeley-Murphy also reported the licensee is in full compliance with all requisite CEU's.

Motion: To offer a Consent Agreement for a Reprimand.

If this agreement is not accepted by Licensee, the matter will be referred to Prosecution.

Motion Made By: Dr. David Samuels

Second: Ms. Jacyn Stultz

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Complaint Resolution – Investigator Lisa Seeley-Murphy

--In the Matter of DEN-2013-0145: Dr. David Peck

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

Allegation: Unlicensed Dental Hygiene Practice; Expired License

Discussion: Investigator O'Connell submitted her investigative report to the Board for its consideration and stated this licensee was the dental employer of Ms. McGary.

Motion: To dismiss the complaint with an advisory letter on the regulatory requirements regarding employee/employer compliance with all Board regulations.

Motion Made By: Dr. John Hsu

Second: Dr. Milton Glicksman

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Motion: **To adopt the minutes of the May 7, 2014, General Session**

Motion Made By: Dr. Stephen DuLong

Second: Dr. Ward Cromer

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Dr. David Samuels; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

At 11:27 a.m., Ms. Sobel announced that the Board will meet in Executive 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 discuss and evaluate the Good Moral Character as required for registration for a pending applicant for licensure. Additionally, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients. The Board will also approve prior executive session minutes in accordance with M.G.L. c. 30A, §22(f). 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 not return to open session.

Motion: **At 11:28 a.m., to enter Executive Session pursuant to M.G.L. c. 30A, §21(a)(1)**

Motion Made By: Dr. John Hsu

Second: Dr. Stephen DuLong

Vote: **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. John Hsu; Dr. Stephen DuLong; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Ward Cromer
Opposed: None
Abstain: Ms. Lois Sobel

Motion: **At 1:37 p.m., to adjourn the meeting**

Motion Made By: Dr. David Samuels

Second: Dr. Stephen DuLong

Vote: **In Favor:** Dr. Stephen DuLong; Ms. Kathleen Held; Dr. Keith Batchelder; Ms. Jacyn Stultz; Dr. David Samuels; Dr. John Hsu
Opposed: None
Abstain: Ms. Lois Sobel

Respectfully submitted,

Lois Sobel, RDH, Secretary

Date