



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, 5<sup>th</sup> Floor, Boston, MA 02114

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COMMISSIONER

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY

239 Causeway Street, Boston, MA 02114

Room 417A & B

June 6, 2012

AGENDA

9:30 a.m.

Call to Order

A. Approval of Minutes of the Meeting of May 2, 2012

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

10:15 a.m.

C. Reconsideration of Prior Board Action—Marsha Bird, Board Counsel  
--In the Matter of DEN-2011-0179: Dr. Michael Atwill

D. Complaint Resolution—Pending Board Cases—Kathy Perault

--In the Matter of DEN-2011-0126: Paula Aquino, RDH  
--In the Matter of DEN-2011-0129: Dr. Scott Bedell  
--In the Matter of DEN-2011-0171: Dr. Steven Demetriou  
--In the Matter of DEN-2011-0133: Dr. Jennifer Lee  
--In the Matter of SA-INV-2526: Dr. Muhenad Samaan  
--In the Matter of SA-INV-2527: Dr. Eyad Al-Mahayan  
--In the Matter of SA-INV-2504: Dr. Richard Leaderman

E. Complaint Resolution—Pending Board Cases—Eileen Mulligan

--In the Matter of DEN-2010-0057: Dr. Robert Herman  
--In the Matter of DEN-2010-0163: Dr. Lawrence DiBona  
--In the Matter of DEN-2010-0098: Dr. Giovanni Castellucci  
--In the Matter of DEN-2010-0192: Joanne Gorham, RDH  
--In the Matter of DEN-2010-0195: Linda Van Emburgh, RDH

F. Complaint Resolution—Pending Board Cases—Sarah Millar

--In the Matter of SA-INV-2413: Dr. George Klemm  
--In the Matter of SA-INV-2472: Athol Dental Laboratory  
--In the Matter of SA-INV-2505: Dr. Sidney Whiting  
--In the Matter of SA-INV-2525: Dr. Gerald Roan  
--In the Matter of SA-INV-2553: Dr. Yan Wang  
--In the Matter of SA-INV-2633: Dr. Karen Robinson  
--In the Matter of SA-INV-2671: Dr. Roy Schonbrun

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**G. Complaint Resolution—Pending Board Cases—Kathleen O’Connell**

- In the Matter of SA-INV-2197: Dr. Khatchatour Kazarian
- In the Matter of SA-INV-2651: Dr. Timothy Gearin, Jr.
- In the Matter of SA-INV-2709: Dr. Shibly Malouf
- In the Matter of DEN-2011-0204: Dr. Steven Bellorini

**H. Administrative Matters**

- Dental Workforce Survey Data—Lynn Bethel, RDH, Office of Oral Health
- Draft Letter Re: Plan of Corrective Action

**Adjournment**

***NEXT MEETING: July 18, 2012***

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**MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY**  
**239 Causeway Street, Boston, MA 02114**  
**Room 417 A & B**  
**June 6, 2012**  
**GENERAL SESSION MINUTES**

**Board Members Present:** Dr. Mina Paul, Chair (arrived at 9:47 a.m.); Dr. Roderick Lewin, Secretary; Dr. Milton Glicksman; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.; Ms. Diane Grondin, CDA Advisor.

**Board Member Absent:** Dr. John Hsu

**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; Nancy Dolberg, Prosecuting Counsel; Karen Fishman, Probation Monitor; Rosie Rogers, Administrative Assistant; Erin Belitskus.

<b>Motion</b>	<b>To commence meeting at 9:37 a.m.</b>
<b>Motion Made By</b>	Dr. Milton Glicksman
<b>Second</b>	Ms. Lois Sobel
<b>Vote</b>	Unanimous

*Dr. Roderick Lewin initiated the meeting and assumed the role of the Chair.*

<b>Motion:</b>	<b>To re-order the agenda, at 9:37 a.m.</b>
<b>Motion Made By:</b>	Dr. Milton Glicksman
<b>Second:</b>	Ms. Lois Sobel
<b>Vote:</b>	Unanimous

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**Motion:** **To Enter Adjudicatory Session, at 9:37 a.m.**  
**Motion Made By:** Dr. Milton Glicksman  
**Second:** Ms. Lois Sobel  
**Vote:** Unanimous

*Dr. Mina Paul entered at 9:47 a.m. and chaired the meeting.*

**Motion:** **To Leave Adjudicatory Session, at 9:52 a.m.**  
**Motion Made By:** Ms. Lois Sobel  
**Second:** Dr. Cynthia Stevens  
**Vote:** **Yea:** Dr. Milton Glicksman; Dr. Roderick Lewin, Secretary; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.  
**Abstain:** Dr. Mina Paul, Chair  
**Non-Voting Member:** Ms. Diane Grondin, CDA Advisor

**Motion:** **To Enter M.G.L.c.112, §65C Session at 9:52 a.m.**  
**Motion Made By:** Ms. Lois Sobel  
**Second:** Dr. Cynthia Stevens  
**Vote:** **Yea:** Dr. Milton Glicksman; Dr. Roderick Lewin, Secretary; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.  
**Abstain:** Dr. Mina Paul, Chair  
**Non-Voting Member:** Ms. Diane Grondin, CDA Advisor

*Dr. Milton Glicksman left the meeting during the above session.*

**Motion:** **To Leave M.G.L.c.112, §65C Session at 10:14 a.m.**  
**Motion Made By:** Ms. Ailish Wilkie  
**Second:** Ms. Lois Sobel  
**Vote:** **Yea:** Dr. Roderick Lewin, Secretary; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.  
**Abstain:** Dr. Mina Paul, Chair  
**Non-Voting Member:** Ms. Diane Grondin, CDA Advisor

*Dr. Milton Glicksman returned to the meeting.*

**Motion:** To Enter General Session at 10:14 a.m.  
**Motion Made By:** Dr. Cynthia Stevens  
**Second:** Ms. Ailish Wilkie  
**Vote:** Unanimous

**Reconsideration of Prior Board Action—Marsha Bird, Board Counsel**

**--In the Matter of DEN-2011-0179: Dr. Michael Atwill**

**Motion:** To dismiss the matter without prejudice.  
**Motion Made By:** Dr. Cynthia Stevens  
**Second:** Dr. Milton Glicksman  
**Vote:** Unanimous

**Complaint Resolution—Pending Board Cases**

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

**--In the Matter of DEN-2011-0126: Paula Aquilino, RDH**

**Allegations:** Drug violations-uttering false prescriptions  
**Motion:** To offer Suspension for one year, to include the following requirements:  
Full Day: Risk Management  
14 Hours: Ethics  
Also completion of required continuing education credits for license renewal ending March 31, 2011. Licensee shall be evaluated by MPRS.  
**Motion Made By:** Ms. Lois Sobel  
**Second:** Ms. Ailish Wilkie  
**Vote:** Unanimous

- Justification:**
- Licensee violated 234 CMR 5.13, 9.05 (5) by self-prescribing controlled substances with a forged prescription of an associate dentist of the practice.
  - Licensee violated M.G. L. c. 112, § 51A and 234 CMR 8.02 (3), by failing to complete continuing education required for license renewal.
  - Licensee violated 234 CMR 8.07(2) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled.

**--In the Matter of DEN-2011-0129: Dr. Scott Bedell**

- Allegation:** Standard of practice failure
- Motion:** To offer Stayed Probation for one year, to include completion of continuing education required for license renewal for 2008-2009, Renewal Date March 31, 2010.
- Motion Made By:** Dr. Milton Glicksman
- Second:** Dr. Roderick Lewin
- Vote:** Unanimous
- Justification:**
- 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 for 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

**--In the Matter of DEN-2011-0171: Dr. Steven Demetriou**

- Allegation:** Standard of practice failure regarding the extraction of a wrong tooth
- Motion:** To offer Stayed Probation for six months, and to include the following Continuing Education:  
Full Day: Risk Management  
Half Day: Record Keeping
- Motion Made By:** Dr. Milton Glicksman
- Second:** Ms. Lois Sobel
- Vote:** Unanimous

**Justification:**                      • Licensee violated 9.05 (14), when he extracted the wrong tooth of a minor patient.

**--In the Matter of DEN-2011-0133: Dr. Jennifer Lee**

<b>Allegation:</b>	Failure to adhere to the standards of practice
<b>Motion:</b>	<b>To dismiss the matter without prejudice. The dismissal letter to Licensee shall include a note of thanks for reporting this matter to the owner of the practice.</b>
<b>Motion Made By:</b>	Ms. Ailish Wilkie
<b>Second:</b>	Dr. Cynthia Stevens
<b>Vote:</b>	Unanimous

**--In the Matter of SA-INV-2526: Dr. Muhenad Samaan**

<b>Allegations:</b>	Abandonment and inappropriate prescription
<b>Motion:</b>	<b>To not open as a complaint.</b>
<b>Motion Made By:</b>	Dr. Milton Glicksman
<b>Second:</b>	Dr. Cynthia Stevens
<b>Vote:</b>	Unanimous

**--In the Matter of SA-INV-2527: Dr. Eyad Al-Mahayan**

<b>Allegations:</b>	Abandonment and inappropriate prescription
<b>Motion:</b>	<b>To not open as a complaint.</b>
<b>Motion Made By:</b>	Dr. Milton Glicksman
<b>Second:</b>	Dr. Cynthia Stevens
<b>Vote:</b>	Unanimous

**--In the Matter of SA-INV-2504: Dr. Richard Leaderman**

<b>Allegations:</b>	Business practice issues regarding periodontal diagnosis and subsequent treatment plan
<b>Motion:</b>	<b>To not open as a complaint.</b>

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

**--In the Matter of DEN-2010-0057: Dr. Robert Herman**

**Allegation:** Inferior treatment  
**Motion:** **To offer Stayed Probation for six months, and to include a Full Day Course in Risk Management. Also the letter to Licensee shall state that he is responsible for ensuring that patients understand the risks of procedures.**

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

**Justification:**

- 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: general consent to treat; specific consent prior to initiating endodontic treatment; follow-up on allergy indicated by patient in medical history; document oral cancer screening; and, prescriptions written for Erythromycin and Vicodin.

*Dr. Roderick Lewin assumed the role of Chair for the following matter.*

**--In the Matter of DEN-2010-0163: Dr. Lawrence DiBona**

**Allegations:** General practice standards, patient abandonment/neglect, misdiagnosis of condition, inappropriate prescribing, and business practice issues  
**Motion:** **To dismiss the matter with an advisory letter regarding record keeping. Motion failed.**  
**Motion Made By:** Dr. Milton Glicksman  
**Second:** Dr. Cynthia Stevens  
**Vote:** **Yea:** Dr. Roderick Lewin, Secretary, Dr. Milton Glicksman  
**Nay:** Dr. Cynthia Stevens, Ms. Ailish Wilkie, Ms. Lois Sobel



**Recused:** Dr. Mina Paul, Ward Cromer, Ph.D., Ms. Diane Grondin, Ms. Kathleen Atkinson; Dr. Liliana DiFabio

**Motion:** To offer Stayed Probation for six months, and to include the following Continuing Education:  
Full Day: Risk Management  
Full Day: Record Keeping  
Half Day: Diagnosis and Treatment Planning.  
**Motion prevailed.**

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

**Second:** Ms. Lois Sobel

**Vote:** **Yea:** Dr. Cynthia Stevens, Ms. Ailish Wilkie, Ms. Lois Sobel  
**Nay:** Dr. Roderick Lewin, Secretary  
**Abstained:** Dr. Milton Glicksman

**Recused:** Dr. Mina Paul, Dr. Liliana DiFabio, Ward Cromer, Ph.D., Ms. Diane Grondin, Ms. Kathleen Atkinson.

**Justification:** • 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: a comprehensive exam, periodontal charting; chart existing restorations; the names and doses of antibiotics taken prior to prophylaxis treatment on multiple dates; a written treatment plan; retain original radiographs; and expose radiographs prior to placement of restorations on tooth #15; expose a radiograph of teeth #18 buccal amalgam and #19, buccal amalgam for sensitivity; verbal conversations with patient regarding decay of tooth #15.

*Dr. Mina Paul, Dr. Liliana DiFabio, Ward Cromer, Ph.D., Ms. Diane Grondin, and Ms. Kathleen Atkinson returned to the meeting.*

*Dr. Mina Paul resumed as Chair.*

**--In the Matter of DEN-2010-0098: Dr. Giovanni Castellucci**

**Allegations:** General practice issues

**Motion:** To offer Stayed Probation for six months, and to include the following Continuing Education:  
Half Day: Risk Management  
Full Day: Diagnosis and Treatment Planning.

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. Cynthia Stevens

**Vote:** Unanimous

**Justification:** 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:  
a current radiograph prior to performing a bone grafting procedure.

**--In the Matter of DEN-2010-0192: Joanne Gorham, RDH**

**Allegation:** Practicing beyond the scope

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

**Motion Made By:** Ms. Lois Sobel

**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

**Justification:** Licensee beyond the scope of dental hygiene by administering nitrous-oxide oxygen to patients in violation of 234 CMR 9.05 (1), (2), (8) and (14).

**--In the Matter of DEN-2010-0195: Linda Van Emburgh, RDH**

**Allegation:** Practicing beyond the scope

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

**Motion Made By:** Ms. Lois Sobel

**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

- Justification:**
- Licensee beyond the scope of dental hygiene by administering nitrous-oxide oxygen to patients in violation of 234 CMR 9.05 (1), (2), (8) and (14).

### **Administrative Matters**

#### **--Dental Workforce Survey Data—Lynn Bethel, RDH, Director, Office of Oral Health**

Ms. Bethel presented data retrieved from the online renewal surveys of dentists in 2010 and of dental hygienists in 2011. She distributed the data, which will soon become public, and provided information about the survey process.

#### **--Draft Letter Re: Plan of Corrective Action**

Executive Director Kathleen Atkinson shared a draft letter expressing the Board's concerns about practice management, treatment planning, and record-keeping at multiple Aspen Dental practices in the Commonwealth. The Board thanked her for sharing the letter and requested edits to the text.

### **Complaint Resolution—Pending Board Cases**

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

#### **--In the Matter of SA-INV-2413: Dr. George Klemm**

- Allegation:** Inferior treatment regarding full mouth restorative treatment
- Motion:** **To not open as a complaint; the licensee has voluntarily surrendered his license.**
- Motion Made By:** Ms. Lois Sobel
- Second:** Dr. Cynthia Stevens
- Vote:** Unanimous

#### **--In the Matter of SA-INV-2472: Athol Dental Laboratory**

- Motion:** **To not open as a complaint and refer matter to the Office of the Attorney General for unlicensed practice of dentistry.**
- Motion Made By:** Dr. Cynthia Stevens
- Second:** Ms. Lois Sobel
- Vote:** Unanimous

**--In the Matter of SA-INV-2505: Dr. Sidney Whiting**

**Allegations:** Patient abandonment and business practice issues  
**Motion:** **To not open as a complaint.**  
**Motion Made By:** Dr. Cynthia Stevens  
**Second:** Ward Cromer, Ph.D.  
**Vote:** Unanimous

**--In the Matter of SA-INV-2525: Dr. Gerald Roan**

**Allegations:** Inferior treatment and billing practice issues  
**Motion:** **To not open as a complaint and send an advisory letter regarding compliance with the Board's Regulation at 234 CMR 5.15, Content of Patient Records.**  
**Motion Made By:** Dr. Milton Glicksman  
**Second:** Dr. Cynthia Stevens  
**Vote:** Unanimous

**--In the Matter of SA-INV-2553: Dr. Yan Wang**

**Allegation:** Inferior treatment  
**Motion:** **To not open as a complaint and send an advisory letter regarding compliance with the Board's Regulation at 234 CMR 5.15, Content of Patient Records.**  
**Motion Made By:** Dr. Milton Glicksman  
**Second:** Dr. Cynthia Stevens  
**Vote:** Unanimous

**--In the Matter of SA-INV-2633: Dr. Karen Robinson**

**Allegation:** Inferior treatment  
**Motion:** **To open as a complaint.**  
**Motion Made By:** Ms. Lois Sobel

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**Second:** Dr. Milton Glicksman  
**Vote:** Unanimous  
**Recused:** Dr. Roderick Lewin

*Dr. Roderick Lewin returned to the meeting.*

**--In the Matter of SA-INV-2671: Dr. Roy Schonbrun**

**Allegation:** Failure to diagnose a lesion on the left side of the tongue  
**Motion:** **To not open as a complaint.**  
**Motion Made By:** Ms. Lois Sobel  
**Second:** Ms. Ailish Wilkie  
**Vote:** Unanimous

**--In the Matter of SA-INV-2197: Dr. Khatchatour Kazarian**

**Allegation:** Medicaid fraud  
**Motion:** **To not open as a complaint.**  
**Motion Made By:** Ms. Lois Sobel  
**Second:** Ms. Ailish Wilkie  
**Vote:** Unanimous

**--In the Matter of SA-INV-2651: Dr. Timothy Gearin, Jr.**

**Allegation:** Misdiagnosis of condition and inappropriate prescribing  
**Motion:** **To not open as a complaint.**  
**Motion Made By:** Dr. Milton Glicksman  
**Second:** Ms. Lois Sobel  
**Vote:** Unanimous

**--In the Matter of SA-INV-2709: Dr. Shibly Malou**

**Allegations:** Patient abandonment and business practice issues

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**Motion:** **To not open as a complaint.**  
**Motion Made By:** Dr. Cynthia Stevens  
**Second:** Ms. Lois Sobel  
**Vote:** Unanimous

**--In the Matter of DEN-2011-0204: Dr. Steven Bellorini**

**Allegations:** Inferior treatment and practicing while physically impaired  
**Motion:** **To not open a complaint and send an advisory letter that professional demeanor should be maintained in all dealings with the patient.**  
**Motion Made By:** Dr. Cynthia Stevens  
**Second:** Ms. Lois Sobel  
**Vote:** Unanimous  
**Recused:** Ms. Diane Grondin

*Ms. Diane Grondin returned to the meeting.*

**Approval of Minutes of May 2, 2012 Meeting**

**Motion:** **To approve minutes of May 2, 2012, General Session, as amended.**  
**Motion Made By:** Ms. Lois Sobel  
**Second:** Dr. Roderick Lewin  
**Vote:** Unanimous

**Motion:** **To approve minutes of May 2, 2012, Adjudicatory Session.**  
**Motion Made By:** Dr. Roderick Lewin  
**Second:** Ms. Lois Sobel  
**Vote:** Unanimous

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

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. Roderick Lewin

**Vote:** Unanimous

**Motion:** To Enter M.G.L.c.112, §65C Session at 12:05 p.m.

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. Cynthia Stevens

**Vote:** **Yea:** Dr. Milton Glicksman; Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.

**Abstain:** Dr. Mina Paul, Chair

**Non-Voting Member:** Ms. Diane Grondin, CDA Advisor

**Motion:** To Leave M.G.L.c.112, §65C Session at 12:10 p.m.

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

**Second:** Ms. Lois Sobel

**Vote:** **Yea:** Dr. Milton Glicksman; Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.

**Abstain:** Dr. Mina Paul, Chair

**Non-Voting Member:** Ms. Diane Grondin, CDA Advisor

### **Administrative Matters**

#### **--Dr. James Reilly, Director of CDAD, Massachusetts Dental Society**

Board Chair Dr. Mina Paul announced that Dr. Reilly is stepping down as Director of this program that has assisted many dentists in the process of recovery from substance abuse issues. Dr. Reilly has been responsible for the evolution and growth of the program. Dr. Reilly thanked the Board for its work and informed members that a new director has not yet been announced. Dr. Reilly will continue teaching and counseling. The Board thanked Dr. Reilly for his work over the past several years with CDAD.

#### **--Discussion of Board Meeting Starting Time**

Members reached consensus on this matter, agreeing to commence meetings at 8:30 a.m., beginning with the July 18, 2012 meeting.

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**--AADB Update**

Chair Dr. Mina Paul announced that Dr. Milton Glicksman has been appointed as a representative to the Commission on Dental Accreditation (CODA) of the ADA from AADB.

**--Working Group on Administration of Botulinum Toxin and Dermal Fillers by General Dentists and Working Group on the Use of Lasers by Dental Professionals**

These groups will meet over the summer and produce draft Advisories for the Board's consideration.

**--August 2012 Meeting**

It was agreed that the August 15 scheduled meeting is cancelled. Staff will make the appropriate notifications in compliance with the Open Meeting Law.

**--New Board Member**

Dr. Stephen Dulong of the Boston University Goldman School of Dental Medicine faculty has been appointed to the Board by the Governor, effective June 6, 2012.

**--Regulations Pertinent to Registration of Dental Assistants**

The proposed regulations are being sent through the required channels and will eventually be returned to the Board for promulgation by the Secretary of State.

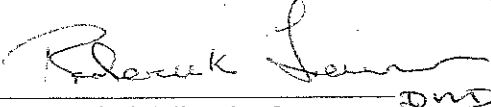
**Motion:** To adjourn the meeting at 12:51 p.m.

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

**Second:** Dr. Roderick Lewin

**Vote:** Unanimous

Respectfully submitted,

  
Dr. Roderick Lewin, Secretary

Date: 9/5/12