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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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COMMONWEALTH OF MASSACHUSETTS

NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE  
BOARD OF REGISTRATION IN DENTISTRY

March 1, 2017  
239 Causeway Street ~ Room 417 A&B  
Boston, Massachusetts 02114

AGENDA

Time	#	Item	Exhibits	Contact
8:30 a.m.	I	<b>CALL TO ORDER, DETERMINATION OF QUORUM, AND APPROVAL OF AGENDA</b>		
8:32	II	<b>EXECUTIVE SESSION (closed to the public)</b>  The Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, § 21(a)(1) 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 discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients.  Specifically, the Board will discuss and evaluate the Good Moral Character of applicants for licensure.		
9:30	III	<b>ADJUDICATORY SESSION (closed to the public)</b>		
10:00	IV	<b>M.G.L.c.112, §65C SESSION (closed to the public)</b>		
11:00	V	<b>DISCUSSION—ALTERNATIVE PATHWAYS TO DENTAL LICENSURE</b> Guests: Dr. Robert Donoff and Dr. Mina Paul	Copy of Proposed PGY-1 Legislation	S. DuLong

12:00	VI	<b>ADMINISTRATIVE MATTERS</b> 1. Monthly Probation Monitor Report 2. GMC Monthly Report 3. Review of Minutes and Adoption of Recommendations of Complaint Committee General Session of February 1, 2017 4. Review of Regulations 234 CMR 2.00, 4.00, 8.00 and 9.00 5. Presentation of Citations to Dr. David Samuels, Previous Board Member and Chair	Reports, Draft Minutes, Draft Regulations and Public Comments	K. Fishman, B. Young, S. Leadholm, V. Berg
12:30		<b>ADJOURNMENT</b>		

**MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY**  
**239 Causeway Street, Boston, MA 02114**  
**Room 417**  
**GENERAL SESSION MINUTES**  
**March 1, 2017**

**Present:** Dr. Stephen DuLong, Board Chair; Ms. Ailish Wilkie, Board Secretary;  
 Dr. Cynthia Stevens; Ms. Jacyn Stultz, RDH; Ms. Lois Sobel, RDH; Ms. Kathleen Held;  
 Dr. Patricia Wu; Dr. Keith Batchelder

**Absent:** Dr. Paul Levy; Dr. John Hsu; Dr. Ward Cromer

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

**Motion:** At 8:33 a.m., to commence the meeting and to adopt the proposed agenda for today's meeting

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

**Second:** Dr. Cynthia Stevens

**Vote:** Unanimous

*At 8:34 a.m., Dr. DuLong announced that the Board will meet in closed session as authorized pursuant to M.G.L. c. 30A, §21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. Specifically, the Board will meet in Executive Session and will discuss and evaluate the Good Moral Character as required for registration of pending applicant(s) for licensure. Additionally, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients.*

*Executive Session is closed to members of the public, except as provided for in M.G.L. c. 30A, §21(a) (1). At the conclusion of the Executive Session, the Board will enter a closed Adjudicatory Session and then a M.G.L. c.112, §65C Session before returning to an open session and adjourning the meeting for the day.*

**Motion:** At 8:34 a.m., to enter Executive Session pursuant to M.G.L. c. 30A, §21(a)(1)

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

**Second:** Ms. Lois Sobel

**Vote:** Unanimous

*Ms. Kathleen Held arrived for the meeting at 8:43 a.m.*

*The Board took its morning recess at 10:09 a.m. and resumed its meeting at 10:13 a.m.*

**Motion:** At 10:14 a.m., to enter an Adjudicatory Session

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

**Second:** Dr. Keith Batchelder

**Roll-Call Vote:** **In Favor:** Dr. Stephen DuLong; Ms. Ailish Wilkie; Dr. Cynthia Stevens; Ms. Jacyn Stultz; Dr. Keith Batchelder; Ms. Kathleen Held; Ms. Lois Sobel; Dr. Patricia Wu  
**Opposed:** None  
**Abstain:** None

**Motion:** At 10:24 a.m., to enter a M.G.L. c.112, §65C Session

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

**Second:** Ms. Ailish Wilkie

**Roll-Call Vote:** **In Favor:** Dr. Stephen DuLong; Ms. Ailish Wilkie; Dr. Cynthia Stevens; Ms. Jacyn Stultz; Dr. Keith Batchelder; Ms. Kathleen Held; Ms. Lois Sobel; Dr. Patricia Wu  
**Opposed:** None  
**Abstain:** None

**Administrative Matters:**

**1. Alternative Pathways to Licensure**

Dr. DuLong introduced Dr. Bruce Donoff, Dean of the Harvard School of Dental Medicine, and former Board Chair Dr. Mina Paul, to the meeting explaining that both were invited to provide some informational context to the pending PGY1 legislation. Dr. DuLong noted that graduates of CODA-accredited dental schools in the US traditionally are required to pass a national board exam and a clinical competency exam as a prerequisite to licensure. Dr. DuLong noted Massachusetts has been considered progressive in that the Board accepts many clinical competency exams such as the WREB or CDCA/NERB exams. Dr. DuLong noted that some states, e.g. California, permit licensure by portfolio while two other states, e.g. Alaska and Minnesota, permit licensure by a passing score on the Canadian OSCE (objective structured clinical examination). Dr. DuLong also indicated that seven states currently permit licensure through the PGY1 pathway.

Dr. DuLong noted he provided a recent copy of the pending PGY1 legislation to Dr. Donoff and Dr. Paul (Senate Bill 943) and to the Board members for their consideration. Dr. DuLong specifically pointed to the added language of sect. 2. Dr. Donoff thanked Dr. DuLong for the invitation to address the Board and noted his comments were directed towards the PGY1 issue and not the WREB exam or any other exam. Dr. Donoff stated dental education is not keeping pace with the changes in the health field noting his clinical competency exam included his successfully completing a class II gold foil that he's never completed since. Dr. Donoff noted more dental students today are in favor of the PGY1 program and noted a PGY1 program will not do away with other exams due to the PGY1 portability issue. Dr. Donoff noted 40 spots are available in Massachusetts for PGY1 enrollees.

Dr. Paul noted the inclusion of sect. 2 on Senate Bill 943 was done on behalf of the dental students as asserted by the American Dental Student Association. Dr. Paul stated that if PGY1 legislation passes in Massachusetts, then the Board can interpret sect. 2 as it sees fit noting the Board can choose its own exam. Dr. Paul the PGY1 pathway to licensure is not offered in Massachusetts as it is not an independent evaluation of a dental student's competency to practice. Dr. Paul suggested the Board would be ceding that assessment to the student's supervising dentist. Dr. Paul noted that CODA only certifies a program is acceptable and it does not assess the capabilities of any individual. Dr. Paul noted that the availability of only 40 spots is limiting and stated the statistics indicate licensure is dropping in NY and Conn. two states that accept a PGY1 program for licensure. Dr. Donoff noted the legislation does not require the dental student to complete a PGY1 program in Massachusetts.

**2. Review of the Complaint Committee General Session Minutes of February 1, 2017**

**Motion:** To approve the General Session Minutes of the February 1, 2017, Complaint Committee meeting

**Motion Made By:** Dr. Cynthia Stevens  
**Second:** Ms. Jacyn Stultz  
**Vote:** **In Favor:** Dr. Cynthia Stevens; Ms. Jacyn Stultz; Dr. Stephen DuLong  
**Opposed:** None  
**Abstain:** None

**Motion:** **To adopt the recommendations of the February 1, 2017, Complaint Committee**

**Motion Made By:** Dr. Keith Batchelder  
**Second:** Ms. Jacyn Stultz  
**Vote:** Unanimous

**3. Presentation of Citations to former Board Chair Dr. David Samuels**

Dr. DuLong read two citations from Governor Charlie Baker and DPH Commissioner Dr. Monica Bharel thanking Dr. Samuels for his work on behalf of the Board and the citizens of the Commonwealth. Dr. DuLong added his personal thanks to Dr. Samuels for the wisdom and clarity of purpose he brought to the Board each month. Dr. Samuels thanked the Board and noted he was honored to have been part of the Board and thanked each Board member for their dedication and commitment to the Board.

**4. Probation Monthly Report for Period of 1.4.17 to 2.22.17**

**Probation Monitor Karen Fishman**

Ms. Young submitted Ms. Fishman's monthly probation report to the Board. The Board had no questions for Ms. Young or Ms. Fishman.

**5. GMC Licensure Report – Asst. Executive Director Jeffrey Mills**

Pursuant to BORID Policy 14-01, the following licenses were issued between 1.18.17 and 2.21.17:

Daniel Jacob Mazo    Dental Assistant (FTDA)    DA09052    Issued effective 2.16.17

**6. Review of Regulations 234 CMR 2.00, 4.00, 8.00 and 9.00**

Atty. Leadholm advised the Board the public was noticed the Board would consider the public comments submitted on 234 CMR 2.00, 4.00, 8.00 and 9.00. Atty. Leadholm noted the Board also received public comments on 5.00 but that section was mistakenly not included in the

agenda for today's meeting. Atty. Leadholm advised the Board it could consider 2.00, 4.00, 8.00 and 9.00 today and 5.00 at the Board's April meeting. Ms. Stultz suggested deferring the consideration of all five sections until the April meeting. Ms. Sobel noted the Board's regulatory review workgroup will begin its review of 5.00 at its March 22<sup>nd</sup> meeting and suggested deferring any consideration of 5.00 until the workgroup finishes its review. However Atty. Leadholm noted that are two different types of regulatory review noting the Board needs to act on the five sections put out for public comment pursuant to Governor Baker's Executive Order 562. Given the lateness of the day, the Board agreed to consider 8.00 and 9.00 today and to defer the consideration of 2.00, 4.00 and 5.00 until its April meeting.

**a. 234 CMR 8.00**

The Board offered no additional amendments to the proposed revisions to 234 CMR 8.00.

**Motion:** To adopt the recommended actions with respect to 234 CMR 8.00 as follows:

- (1) make no further changes to the proposed revisions as recommended above;
- (2) adopt the recommendation as outlined above and as to edits of style and clarity as indicated on the accompanying draft;
- (3) submit the draft and comments for post-public hearing administrative review; and
- (4) if approved, promulgate the regulation with proposed revisions as published.

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

**Second:** Dr. Keith Batchelder

**Vote:** **In Favor:** Dr. Stephen DuLong; Ms. Ailish Wilkie; Dr. Keith Batchelder; Dr. Cynthia Stevens; Dr. Patricia Wu; Ms. Lois Sobel; Ms. Jacyn Stultz  
**Opposed:** None  
**Abstain:** None

**b. 234 CMR 9.00**

Atty. Leadholm advised the Board it received oral testimony from Dr. Mark Chung regarding 9.03(1)(hh) noting the language as written does not define the term "disciplinary action." Ms. Wilkie asked what if a licensee sexually assaulted a coworker; Ms. Young replied by asking how does that possibility relate to what the Board does noting if a licensee is criminally charged with a sexual offense or other offense, then the licensee is obligated to report that criminal action to the Board.

Mr. Mills noted 9.03(1)(ii) and (jj) uses the term “within 30 *calendar* days” but (hh) does not specify calendar days. The Board agreed to amend (hh) to state “within 30 *calendar* days” for consistency.

**Motion:** To adopt the recommended actions with respect to 234 CMR 9.00 as follows:

(1) make the change as suggested above and those corrections and stylistic edits as indicated;

(2) adopt the recommendations as outlined above and as to edits of style and clarity as may be indicated on the accompanying draft;

(3) submit the draft and comments for post-public hearing administrative review; and

(4) if approved, promulgate the regulation with proposed revisions as published.

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

**Second:** Ms. Ailish Wilkie

**Vote:** **In Favor:** Dr. Stephen DuLong; Ms. Ailish Wilkie; Dr. Keith Batchelder; Dr. Cynthia Stevens; Dr. Patricia Wu; Ms. Lois Sobel; Ms. Jacyn Stultz; Ms. Kathleen Held  
**Opposed:** None  
**Abstain:** None

**Motion:** At 12:28 p.m. to adjourn the meeting for the day

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

**Second:** Ms. Lois Sobel

**Vote:** Unanimous

Respectfully submitted,

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Ms. Ailish Wilkie, Board Secretary

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Date