

**MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY**  
**239 Causeway Street, Boston, MA 02114**  
**Room 417**  
**March 5, 2014**  
**AGENDA**

**8:30 a.m.**

**Call to Order**

**A. Applications for Permit M—Public Health Dental Hygienists**

- Shalini Lahoty, RDH
- Melissa Leite, RDH

**B. Administrative Matters**

- Remote Participation by Absent Board Member(s)
- Perio Charting/Evaluation Clarification
- Mount Ida College Dental Hygiene Program CODA Inspection April 23/24
- “Flex Session”
- Licensing/Renewal Legislation

**9:30 a.m.**

**C. Complaint Resolution—Investigator Eileen Mulligan**

- In the Matter of DEN-2013-0142: Lauren Taylor, RDH
- In the Matter of DEN-2013-0143: Dr. Danny Levy

**D. Complaint Resolution—Investigator Sarah Millar**

- In the Matter of DEN-2013-0122: Dr. Theodore Goldberg
- In the Matter of DEN-2013-0123: Dr. Jeffrey Poirier
- In the Matter of DEN-2013-0124: Dr. Ahmed Hamada-Ibrahim
- In the Matter of DEN-2013-0125: Dr. Jacqueline Jacobson
- In the Matter of DEN-2012-0126: Dr. Jacqueline Jacobson
- In the Matter of DEN-2013-0126: Dr. Jason Izzi
- In the Matter of DEN-2013-0127: Dr. Sarah Stipho
- In the Matter of DEN-2013-0128: Grisel Santiago, RDH
- In the Matter of DEN-2013-0129: Caitlin Murphy, RDH
- In the Matter of DEN-2013-0130: Vaishali Patel, RDH

**9:45 a.m.**

**E. – Executive Session (closed to the public)**

**K.**

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.

Specifically, the Board will discuss and evaluate the Good Moral Character as required for registration for a pending applicant for licensure.

Specifically, the Board will discuss and evaluate petitions from licensees requesting waiver of continuing education licensure renewal requirements, pursuant to 234 CMR 8.07 (c), (d), and/or (e).

Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients.

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

**Adjournment**

***NEXT MEETING: April 2, 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, 5<sup>th</sup> 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**

**March 5, 2014**

**Present:** Dr. Cynthia Stevens, Chair; Ms. Lois Sobel, RDH, Secretary; Dr. Milton Glicksman; Dr. Stephen DuLong; Dr. David Samuels; Dr. Keith Batchelder; Ms. Ailish Wilkie, CPHQ; Ms. Jacyn Stultz, RDH; Ms. Diane Grondin, CDA, Dental Assistant Advisor

**Absent:** Ward Cromer, Ph.D.; Dr. John Hsu

**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

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

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

**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

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

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

**Second:** Dr. Milton Glicksman

**Vote:** **In Favor:** Ms. Lois Sobel, RDH; Dr. Milton Glicksman; Dr. Stephen DuLong; Dr. David Samuels; Dr. Keith Batchelder; Ms. Ailish Wilkie, CPHQ

**Oppose:** None

**Abstain:** Dr. Cynthia Stevens

*Ms. Jacyn Stultz, RDH arrived at 8:45AM*

**Motion:** **To adopt General Session Board Minutes of February 19, 2014.**

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

**Second:** Dr. Stephen DuLong

**Vote:** Unanimous

**Permit M Application - Investigator Sarah Millar**

**--In the Matter of Shalini Lahoty, RDH**

*The applicant was present for the discussion and vote of the Board on this matter.*

**Discussion:** Investigator Millar submitted her report to the Board for its consideration, noting that the license of the dentist, who signed the collaborative agreement with the applicant, is currently suspended.

Dr. Samuels asked if the dentist was practicing dentistry and if the regulations required the collaborative dentist's license to be active at the time he/she entered into a collaborative agreement with the hygienist applicant. Ms. Berg advised the Board that the regulations state the dentist must hold a "valid" license and this can be interpreted to mean active/not suspended.

**Motion:** **To postpone approval of the Permit M application until the deficiencies in the application, i.e. agreement by a licensed dentist to enter a collaborative agreement, are resolved.**

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

**Second:** Dr. Milton Glicksman

**Discussion (cont'd):** The applicant apologized to the Board stating she was unaware the dentist's license had been suspended. The applicant further stated she was interested in working as a public health dental hygienist in public schools in the Springfield and Worcester, MA areas primarily placing sealants on the children's teeth and screening the children for dental decay with referrals to a dentist for follow up treatment.

Dr. Glicksman asked what type of handpieces would be used by the applicant. Dr. Stevens asked if the handpieces were disposable.

Dr. Glicksman also expressed concern about the ability of the applicant, and any other public health dental hygienist, to place an adequate sealant in the absence of a dry field.

Dr. Batchelder noted the applicant's paperwork as submitted is incomplete and the dentist should have informed the applicant of his license suspension.

**Amended Motion:** **To deny application as submitted in its current form.**

**Motion Made By:** Dr. David Samuels

**Second:** Dr. Stephen DuLong

**Discussion (cont'd):** Dr. Stevens suggested the Board consider the intent of the public health dental hygienist to offer dental care where none may exist and the great need for sealants in the community.

Ms. Wilkie inquired if the Board denies this application, can the applicant resubmit a new application?

**Vote:** **In Favor:** Ms. Ailish Wilkie; Dr. David Samuels, Dr. Stephen DuLong; Dr. Milton Glicksman

**Opposed:** Ms. Lois Sobel, RDH

**Abstain:** Dr. Keith Batchelder; Ms. Jacyn Stultz, RDH;  
Dr. Cynthia Stevens

#### **Permit M Application - Investigator Eileen Mulligan**

#### **--In the Matter of Melissa Leite, RDH**

*The applicant was present for the discussion and vote of the Board on this matter.*

**Discussion:** Investigator Mulligan submitted her report to the Board for its consideration. The applicant provided a sample of the disposable mirror/explorer that she intends to utilize should her application be approved by the Board. Dr. Glicksman asked Ms. Stultz if it was possible sealants could be placed by a public health dental hygienist if the area is dried with a 2x2 gauze, toothbrush or prophylaxis angle. Ms. Stultz replied that the World Health Organization has approved the use of disposable probes/explorers for this task. Dr. Stevens noted that PHDH are not typically taking radiographs and diagnosing as they are out in the field treating children.

Dr. Batchelder asked what challenges PHDH's expect to face in the field; Ms. Mulligan stated that PHDH's typically do not have access to sterilized equipment and are unable to complete a prophylaxis prior to treating patients.

Ms. Stultz informed the Board research indicates it is preferable not to use prophylaxis paste prior to placing sealants as the paste clogs the pits and fissures of teeth.

Dr. Batchelder suggested the Board postpone approving or denying the application until the Board has a chance to more fully explore the issues of PHDH and Permit M applications.

Dr. Stevens suggested the Board gather information from the Mass. Office of Oral Health regarding the no. of PHDH working in the field and in what settings.

The applicant stated she intended to use 3M's system of drying and isolating a tooth before placing a sealant. She also stated there is an unresolved issue on whether a PHDH is required to maintain an emergency drug kit. Dr. Stevens noted that the PHDH is required to maintain an emergency drug kit as part of the collaborative agreement with a dentist. Ms. Wilkie noted a hygienist cannot use an emergency drug kit per the Board's regulations.

Dr. Glicksman opined it is problematic if a PHDH is placing a sealant that has little likelihood of success.

Ms. Young suggested the Board table the issue until the next Board meeting and offered to invite a representative from the Office of Oral Health to the next meeting.

Finally, there was some concern expressed by all Board members in that this particular applicant has stated in her application that she will have a dental hygiene partner but the partner has yet to apply for her own Permit M. Ms. Sobel stated it was the intention of the PHDH workgroup that all PHDH's have their own Permit M. She stated she is worried the Board might be diluting the purpose of the PHDH/Permit M process as the goal is to provide care to children who have never seen a dentist or hygienist. She opined most hygienists are concerned with their patients and try to follow the law. Ms. Sobel expressed concern that the Board may make the rules relating to PHDH's so constrictive that a PHDH could not function.

**Motion:**

**To postpone approval of the Permit M application until the May 7, 2014, Board meeting at which time further information from the DPH Office of Oral Health will be considered.**

**Motion Made By:** Ms. Ailish Wilkie  
**Second:** Dr. David Samuels  
**Vote:** **In Favor:** Ms. Ailish Wilkie; Dr. David Samuels, Dr. Stephen DuLong; Dr. Milton Glicksman; Ms. Lois Sobel, RDH  
Dr. Keith Batchelder; Ms. Jacyn Stultz, RDH  
**Opposed:** None  
**Abstain:** Dr. Cynthia Stevens

**Administrative Matters:**

**A. Remote Participation by Absent Board Members**

Dr. Batchelder asked the Board if they would consider approving a policy that permits remote participation by absent Board members. Ms. Berg advised the Board that they may do so as long as it is the protocol for remote participation that has been approved by the Office of the Attorney General and not their own policy. Ms. Berg provided a list to each Board member that lists the five (5) acceptable reasons for remote participation, i.e. geographic distance, and stated it will be up to the Chairman of the Board to determine if the reason given by the absent Board member is acceptable. Dr. Batchelder asked if other boards within the Division of Health Professions Licensure have accepted remote participation; Ms. Berg advised that three of the nine boards within DHPL have adopted a policy permitting remote participation. Ms. Wilkie asked if the other boards are having any problems with remote participation; Ms. Berg advised that generally speaking, the process is working for the other boards citing a recent election by the pharmacy board. Ms. Berg also advised the Board that the remote participant cannot be considered when determining quorum. Dr. Samuels noted he is concerned about the ability to communicate clearly with the remote participant as it is often difficult to hear inside the board meeting room. Ms. Young asked if the remote participant must be alone if the Board is in executive session; Ms. Berg advised that when the Board enters executive session, the remote participant must indicate he/she is alone.

**Motion:** **To adopt the rules regarding remote participation by absent Board members as stated by the Office of the Attorney General.**

**Motion Made By:** Dr. Keith Batchelder

**Second:** Ms. Ailish Wilkie

**Vote:** **In Favor:** Ms. Ailish Wilkie; Dr. David Samuels, Dr. Stephen DuLong; Dr. Milton Glicksman; Dr. Keith Batchelder, Ms. Jacyn Stultz, RDH; Ms. Lois Sobel, RDH  
**Opposed:** None  
**Abstain:** Dr. Cynthia Stevens

**B. Periodontal Charting/Evaluation Clarification**

Ms. Stultz asked the Board members for clarification on its minimum standards regarding periodontal probing by dental hygienists and dentists. She stated in her time at the Board she has seen different methods used by licensees. Dr. Glicksman opined that generally speaking, a licensee is required to evaluate the periodontal health of a patient's teeth and

gingiva and that this is accomplished by routine periodontal probing. Ms. Stultz asked what is the Board's standard of care with regards to recession levels, periodontal attachment loss, etc. Dr. Samuels opined the PSR is a great screening tool for predicting periodontal disease and that attachment loss should be recorded in a patient's record. Further, Dr. Samuels opined a PSR recording should be completed at a patient's routine recall appointment but that 3-4 mm pocket depths need not be recorded; any pocket depths greater than 3-4 mm should be recorded.

Dr. Batchelder stated he agreed with the PSR but asked what are the minimum criteria for its use? He also asked if this evaluation should be part of a comprehensive exam and if it should be completed every 3 months? Every 6 months? Dr. Glicksman opined that a licensee should complete an exam then undertake a PSR evaluation. Ms. Wilkie asked if this must be completed at every patient visit. Dr. Stevens asked what has been expected of the general practitioner by the Board in the past? Ms. Sobel stated a comprehensive exam should include periodontal charting and if a patient has not been identified as a periodontal patient, then the periodontal charting should be updated once per year.

Dr. Samuels stated an initial visit should include full charting, i.e. pocket depths, recession levels, etc. with changes noted during subsequent recall appointments. Ms. Wilkie stated she agreed but asked what if a patient is seen for 10 yrs. without problems and then develops periodontal issues but nothing has been documented in the patient's record.

Dr. DuLong stated that generally speaking a comprehensive exam reports six points of periodontal evaluation per tooth for all 32 teeth but a periodic exam generally entails spot checking some teeth. Ms. Stultz asked if limited probing is done during a PSR evaluation; Dr. Glicksman replied that generally speaking PSR evaluations require full probing but limited recording.

**C. Mt. Ida College Dental Hygiene Program and CODA Inspection**

Ms. Stultz reported Mt. Ida is undergoing a reaccreditation of their dental hygiene program on April 23/24, 2014 and invited any interested Board member to participate in CODA's site inspection. She reported the school had instituted major changes to their physical plant. Dr. Samuels asked why is this of concern to which Ms. Stultz replied that the CODA reaccreditation process is costly to the school.

**D. Licensing/Renewal Legislation**

Ms. Young provided the Board members with copies of an email dated January 28, 2014, from Mr. David White, Director of Governmental Affairs and Grassroots Advocacy for the Mass. Dental Society and a "Notice Regarding License Renewal Requirements" from the Board of Registration in Podiatry as well as a copy of M.G.L. c. 112, §45. Ms. Young informed the Board it has come to her attention that recent legislation was enacted that requires boards that issue licenses to require as a condition of granting or renewing a license that the dentist apply to participate in the medical assistance program administered by the secretary of health and human services in accordance with chapter 118E and Title XIX of the Social Security Act.

Mr. White addressed the Board stating the regulations' limited purpose is for licensees who prescribe medications to avoid fraud.

Dr. Samuels noted a licensee is not obligated to accept MassHealth patients.

**Motion:** To adopt as Board policy the notice as drafted by the Board of Registration in Podiatry with changes made to reflect the dental profession.

**Motion Made By:** Dr. Milton Glicksman

**Second:** Ms. Keith Batchelder

**Vote:** **In Favor:** Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie; Dr. Keith Batchelder; Dr. Milton Glicksman; Dr. David Samuels; Ms. Lois Sobel, RDH  
**Opposed:** Dr. Stephen DuLong  
**Abstain:** Dr. Cynthia Stevens

**E. Flex Session**

Dr. Glicksman reported he was re-elected to the ADA's Commission on Dental Accreditation (CODA) for a five-year term and will attend the next annual meeting of CODA.

Ms. Wilkie asked Ms. Young to bring a copy of the delegable duties chart from 234 CMR 5.00 to the next Board meeting when it discusses the PHDH/Permit M process.

Ms. Berg reported EOHHS has nearly completed its review of the proposed dental assisting regulations and she had hoped to bring the proposed regulations to the Board for its review and promulgation at today's meeting. However the process is not quite complete. She reported she anticipates bringing the final version of the proposed regulations to the Board at the next Board meeting in May.

**Complaint Resolution—Investigator Eileen Mulligan**

**--In the Matter of DEN-2013-0142: Lauren B. Taylor, RDH**

**Allegation:** Practicing dental hygiene on an expired license

**Discussion:** Investigator Mulligan submitted her report to the Board for its consideration. Dr. Samuels suggested the Board not open a complaint; however, Ms. Berg pointed out this case has already been opened as a complaint and assigned a case no. Dr. Glicksman asked if a standard disposition is a stayed probation; Ms. Young replied that typically the Board offers a consent agreement for a reprimand in these circumstances.

**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. Milton Glicksman

**Second:** Dr. David Samuels



**Vote:**

**In Favor:** Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH;  
Dr. Milton Glicksman; Dr. David Samuels; Dr. Keith  
Batchelder; Dr. Stephen DuLong; Ms. Ailish Wilkie

**Opposed:** None

**Abstain:** Dr. Cynthia Stevens

**Discussion (cont'd):**

Ms. Grondin noted in a previous case involving a dental hygienist who practiced on an expired license, that hygienist completed all required CEU's and it's possible this was just an oversight by the licensee.

Ms. Wilkie noted the Board needs to be consistent when dealing with these situations; she suggested any alternative to a reprimand should be considered when there are mitigating circumstances. Ms. Berg advised the Board it may consider mitigating circumstances as long as it is consistent and fair in its approach. She also advised the Board it may consider granting Board staff the authority to resolve these matters or may decide each case must be brought to the Board for resolution.

Dr. Glicksman opined the Board generally does not see intentional non-renewals by licensees.

**Complaint Resolution—Investigator Eileen Mulligan**

**--In the Matter of DEN-2013-0143: Dr. Danny Levy**

**Allegation:** Employer of a dental hygienist practicing on an expired license

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

**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:** Ms. Lois Sobel, RDH

**Second:** None (Motion Failed)

**Motion:** To dismiss complaint as discipline not warranted with an advisory letter to Licensee on licensure requirements pursuant to 234 CMR 4.10 and 5.02

**Motion Made By:** Dr. David Samuels

**Second:** Dr. Milton Glicksman

**Vote:** **In Favor:** Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH;  
Dr. Milton Glicksman; Dr. David Samuels; Dr. Keith  
Batchelder; Dr. Stephen DuLong; Ms. Ailish Wilkie

**Opposed:** None

**Abstain:** Dr. Cynthia Stevens

**Complaint Resolution – Investigator Sarah Millar**

**--In the Matter of DEN-2013-0122: Dr. Theodore Goldberg**

**--In the Matter of DEN-2013-0123: Dr. Jeffrey Poirier**

**--In the Matter of DEN-2013-0124: Dr. Ahmed Hamada-Ibrahim**

**--In the Matter of DEN-2013-0125: Dr. Jacqueline Jacobson**

**--In the Matter of DEN-2012-0126: Dr. Jacqueline Jacobson**

**--In the Matter of DEN-2013-0126: Dr. Jason Izzi**

**--In the Matter of DEN-2013-0127: Dr. Sarah Stipho**

**--In the Matter of DEN-2013-0128: Grisel Santiago, RDH**

**--In the Matter of DEN-2013-0129: Caitlin Murphy, RDH**

**--In the Matter of DEN-2013-0130: Vaishali Patel, RDH**

*None of the licensees were present for the discussion and vote of the Board on these matters.*

**Allegations:** Investigator Millar indicated these complaints concern the several licensees who work at a large dental practice in Milford, MA and that most of the alleged violations are related to infection control issues and/or the lack of required continuing education credits.

**Motion:** (As to Complaint DEN-2013-0122: Dr. Theodore Goldberg)

**To offer a Consent Agreement for Probation for 6 Months, with a condition the Licensee make up any deficient CEU.**

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

**Motion Made By:** Dr. Milton Glicksman

**Second:** Ms. Lois Sobel, RDH

**Discussion:** Ms. Millar indicated this Licensee is the owner of the dental practice located in Milford, MA.

Dr. Batchelder stated he agreed with the recommended disposition but asked if the rest of the office staff were in compliance. Ms. Wilkie noted the office failed to adequately sterilize its handpieces. Ms. Stultz noted the absence of a hepatitis vaccine among some staff could result in risk of harm to patients.

**Amended Motion:** To amend Consent Agreement to include the following additional continuing education courses:  
6 Hours: Risk Management  
3 Hours: Pain Management  
3 Hours: Infection Control

**Amended Motion Made By:** Ms. Lois Sobel, RDH

**Second:** Dr. Milton Glicksman

**Vote:** **In Favor:** Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH;  
Dr. Milton Glicksman; Dr. David Samuels; Dr. Keith Batchelder; Dr. Stephen DuLong; Ms. Ailish Wilkie  
**Opposed:** None  
**Abstain:** Dr. Cynthia Stevens

*Dr. Glicksman left the meeting at 9:55AM and returned at 10:00AM*

**Motion:** (As to Complaint DEN-2013-0123: Dr. Jeffrey J. Poirier)  
  
To offer a Consent Agreement for Stayed Probation for 6 Months, to include the following additional continuing education courses:  
3 Hours: Infection Control  
3 Hours: Pain Management  
If this agreement is not accepted by Licensee, the matter will be referred to Prosecution.

**Motion Made By:** Dr. David Samuels

**Second:** Dr. Stephen DuLong

**Discussion:** Ms. Millar indicated this Licensee is an associate dentist at the dental practice located in Milford, MA.

**Vote:** **In Favor:** Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH;  
Dr. Milton Glicksman; Dr. David Samuels; Dr. Keith Batchelder; Dr. Stephen DuLong; Ms. Ailish Wilkie  
**Opposed:** None  
**Abstain:** Dr. Cynthia Stevens

**Motion:** (As to Complaint DEN-2013-0124: Dr. Ahmed M. Hamada-Ibrahim)

To dismiss complaint without prejudice as discipline not warranted.

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

**Second:** Dr. Milton Glicksman

**Discussion:** Ms. Millar indicated this Licensee is a new dental school graduate who recently joined the practice as an associate dentist at the dental practice located in Milford, MA.

**Vote:** **In Favor:** Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH;  
Dr. Milton Glicksman; Dr. David Samuels; Dr. Keith  
Batchelder; Dr. Stephen DuLong; Ms. Ailish Wilkie  
**Opposed:** None  
**Abstain:** Dr. Cynthia Stevens

*Dr. Stephen DuLong recused himself for the discussion and vote of the Board on Complaints DEN-2013-0125 and DEN-2012-0126: Dr. Jacqueline Jacobson.*

**Discussion:** Ms. Millar indicated this Licensee is an associate dentist at the dental practice located in Milford, MA.

Dr. Glicksman expressed concern that the Licensee stated she did not use slow speed handpieces as he did not believe her to be truthful.

Ms. Wilkie expressed concern that the Licensee has ignored the Board's efforts to resolve the earlier case (DEN-2012-0126) with a proposed Consent Agreement. Ms. Berg advised the Board they have the ability to grant settlement authority to resolve both cases to the prosecuting attorney should the Board vote to consolidate both cases.

Dr. Batchelder asked if the case is referred to prosecution will the prosecutor contact the licensee; Ms. Berg responded yes.

**Motion:** (As to Complaint DEN-2013-0125: Dr. Jacqueline Jacobson)  
(As to Complaint DEN-2012-0126: Dr. Jacqueline Jacobson)

**To Consolidate Both Complaints and to Refer Both Complaints to Prosecution Granting the Prosecuting Attorney the Authority to Negotiate a Settlement.**

**Motion Made By:** Dr. Milton Glicksman

**Second:** Ms. Ailish Wilkie

**Vote:** **In Favor:** Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH;  
Dr. Milton Glicksman; Dr. David Samuels; Dr. Keith  
Batchelder; Ms. Ailish Wilkie  
**Opposed:** None  
**Abstain:** Dr. Cynthia Stevens

*Dr. Stephen DuLong returned to the meeting and participated in the discussion and vote of the Board on the remaining matters.*

**Discussion:** Ms. Millar indicated this Licensee is an associate orthodontist at the dental practice located in Milford, MA.

**Motion:** (As to Complaint DEN-2013-0126: Dr. Jason R. Izzi)

**To offer a Consent Agreement for Stayed Probation for 3 Months, to include the following additional continuing education courses:**

**3 Hours: Infection Control**

**3 Hours: Pain Management**

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

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

**Second:** Ms. Lois Sobel, RDH

**Vote:** **In Favor:** Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH;  
Dr. Milton Glicksman; Dr. David Samuels; Dr. Keith  
Batchelder; Dr. Stephen DuLong; Ms. Ailish Wilkie

**Opposed:** None

**Abstain:** Dr. Cynthia Stevens

**Discussion:** Ms. Millar indicated this Licensee is an associate periodontist at the dental practice located in Milford, MA.

Ms. Wilkie asked how long has this Licensee been employed at this practice; Ms. Millar responded the Licensee began working at this office in January 2013.

**Motion:** (As to Complaint DEN-2013-0127: Dr. Sarah Stipho)

**To offer a Consent Agreement for Stayed Probation for 3 Months, to include the following additional continuing education courses:**

**3 Hours: Infection Control**

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

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

**Second:** Dr. David Samuels

**Vote:** **In Favor:** Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH;  
Dr. Milton Glicksman; Dr. David Samuels; Dr. Keith  
Batchelder; Dr. Stephen DuLong; Ms. Ailish Wilkie

**Opposed:** None

**Abstain:** Dr. Cynthia Stevens

**Discussion:** Ms. Millar indicated this Licensee is a full-time dental hygienist at the dental practice located in Milford, MA.

Dr. Glicksman asked why the local police were involved in this case; Ms. Millar stated the original complainant was accused of taking equipment from the office and the police were contacted only after this complainant spoke to her.

**Motion:** (As to Complaint DEN-2013-0128: Grisel Santiago, RDH)

**To offer a Consent Agreement for Probation for 6 Months, to include the following additional continuing education courses:**

**3 Hours: Infection Control**

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

**Motion Made By:** Dr. David Samuels

**Second:** Dr. Stephen DuLong

**Amended Motion:** **To amend the Consent Agreement to include the following continuing education course:**

**3 Hours: Risk Management**

**Amended Motion Made By:** Ms. Lois Sobel, RDH

**Second:** Dr. Milton Glicksman

**Vote:** **In Favor:** Ms. Lois Sobel, RDH; Dr. Milton Glicksman; Dr. David Samuels; Dr. Stephen DuLong; Dr. Keith Batchelder; Ms. Ailish Wilkie

**Opposed:** None

**Abstain:** Dr. Cynthia Stevens; Ms. Jacyn Stultz, RDH

**Discussion (cont'd):** Ms. Wilkie asked if everyone involved in these cases understood their infection control responsibilities are more than the issue with the sterilization pouches; Ms. Millar responded that was explained to each Licensee but the periodontist and endodontist were not on site during the inspection.

Dr. Samuels asked if all employees were given a copy of the report detailing the alleged violations; Ms. Millar responded they were all informed of the allegations.

**Discussion:** Ms. Millar indicated this Licensee is a dental hygienist at the dental practice located in Milford, MA.

**Motion:** (As to Complaint DEN-2013-0129: Caitlin Lee Murphy, RDH)

**To offer a Consent Agreement for Probation for 6 Months, to include the following additional continuing education courses:**

**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. David Samuels

**Second:** Ms. Lois Sobel, RDH

**Vote:** **In Favor:** Ms. Lois Sobel, RDH; Ms. Ailish Wilkie; Dr. Milton Glicksman; Dr. David Samuels; Dr. Keith Batchelder;  
**Opposed:** Dr. Stephen DuLong  
**Abstain:** Dr. Cynthia Stevens; Ms. Jacyn Stultz, RDH

*Ms. Jacyn Stultz, RDH recused herself from the discussion and vote of the Board on Complaint DEN-2013-0130: Vaishali V. Patel, RDH*

**Discussion:** Ms. Millar indicated this Licensee is a new dental hygienist who only recently began working at the dental practice located in Milford, MA.

Dr. Samuels stated the resolution of this matter should be similar to that offered to other new employees and suggested a dismissal with an advisory letter should be considered by the Board with regards to this Licensee.

**Motion:** (As to Complaint DEN-2013-0130: Vaishali V. Patel, RDH)

**To offer a Consent Agreement for Stayed Probation for 6 Months, to include the following additional continuing education courses:**

**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. Stephen DuLong

**Second:** Ms. Lois Sobel, RDH

**Vote:** **In Favor:** Dr. Stephen DuLong; Ms. Lois Sobel, RDH  
**Opposed:** Dr. Milton Glicksman; Dr. David Samuels; Dr. Keith Batchelder; Ms. Ailish Wilkie  
**Abstain:** Dr. Cynthia Stevens

**(Motion Failed)**

**Motion:** **To Dismiss with an Advisory Letter on Infection Control requirements as no evidence of violation found.**

**Motion Made By:** Dr. David Samuels  
**Second:** Dr. Keith Batchelder  
**Vote:** **In Favor:** Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. David Samuels  
**Opposed:** Ms. Lois Sobel, RDH; Ms. Ailish Wilkie; Dr. Stephen DuLong - Dr. Cynthia Stevens (after tie vote to break tie)  
**Abstain:** None

**(Motion Failed)**

**Motion:** **To offer a Consent Agreement for Stayed Probation for 3 Months, to include the following additional continuing education courses:**  
**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. Ailish Wilkie  
**Second:** Dr. Milton Glicksman  
**Vote:** **In Favor:** Dr. Stephen DuLong; Ms. Ailish Wilkie; Dr. David Samuels; Dr. Milton Glicksman; Ms. Lois Sobel, RDH  
**Opposed:** Dr. Keith Batchelder  
**Abstain:** Dr. Cynthia Stevens

**Discussion (cont'd):** Ms. Sobel suggested a letter be sent to the practice owner recommending he institute training for his entire staff. Ms. Berg advised that the Board can only do so should the Board decide to revisit the matter involving the practice owner but this suggestion can be included in the cover letter that accompanies the proposed consent agreement.

**Motion:** **To Include in the Cover Letter Accompanying the Proposed Consent Agreement to the Practice Owner, Dr. Theodore Goldberg, a Recommendation the Office Undertake a Review of its Policies and Procedures Regarding Infection Control including Training on Infection Control Procedures for All Staff**

**Motion Made By:** Ms. Lois Sobel, RDH  
**Second:** Ms. Ailish Wilkie

**Discussion (cont'd):** Dr. Batchelder inquired whether this recommendation had any "teeth" to it, i.e. is it enforceable? Ms. Berg advised that it is simply a recommendation and thus is not enforceable by the Board.

**Amended Motion:** **To Include Language in the Cover Letter to Dr. Theodore Goldberg advising him of outside agencies that may assist in performing an infection control review of his practice.**



**Amended Motion Made By:** Dr. David Samuels

**Second:** Ms. Ailish Wilkie

**Discussion (cont'd):** Dr. Batchelder asked again if this recommendation is enforceable; Ms. Berg advised that it is not but is more in the nature of an advisory letter.

**Vote:** **In Favor:** Dr. David Samuels; Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. Stephen DuLong; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie  
**Opposed:** None  
**Abstain:** Dr. Cynthia Stevens

*At 10:47 a.m., Dr. Stevens 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 return to open session for the sole purpose of entering into another closed session pursuant to M.G.L. c. 112, §65C. The Board will not hear any additional matters in open session on this date.*

**Motion:** **At 10:48 a.m., to enter Executive Session, under Purpose 1 of the Open Meeting Law, and to announce to the public that the Board will not return to General Session today.**

**Motion Made By:** Dr. David Samuels

**Second:** Ms. Ailish Wilkie

**Roll-Call Vote:** **In Favor:** Dr. David Samuels; Dr. Milton Glicksman; Dr. Keith Batchelder; Dr. Stephen DuLong; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie; Ms. Jacyn Stultz, RDH  
**Opposed:** None  
**Abstain:** Dr. Cynthia Stevens

*The Board remained in Executive Session from approx. 10:48 a.m. to 1:55 p.m.*

*The Board recessed for lunch at 12:50 p.m.*

*Dr. Keith Batchelder left the meeting at 12:50 p.m. for the day and did not return.*

*The Board resumed its meeting after lunch at 1:30 p.m.*

**Motion:** **At 1:55 p.m., to leave Executive Session**

**Motion Made By:** Ms. Lois Sobel, RDH  
**Second:** Ms. Ailish Wilkie  
**Vote:** Unanimous

**Motion:** At 1:55 p.m., to enter M.G.L.c.112, §65C Session  
**Motion Made By:** Ms. Ailish Wilkie  
**Second:** Ms. Lois Sobel, RDH  
**Vote:** Unanimous

*The Board remained in M.G.L. c. 112, §65C Session from approx. 1:55 p.m. to 2:18 p.m.*

**Motion:** At 2:18 p.m., to leave M.G.L.c.112, §65C Session  
**Motion Made By:** Ms. Ailish Wilkie  
**Second:** Ms. Lois Sobel, RDH  
**Vote:** Unanimous

*Dr. Milton Glicksman, Dr. Cynthia Stevens and Ms. Diane Grondin left the meeting at 2:18 p.m. for the day and did not return.*

**Motion:** At 2:18 p.m., to re-enter Executive Session, under Purpose 1 of the Open Meeting Law, and to announce to the public that the Board will not return to General Session today.

**Motion Made By:** Dr. David Samuels  
**Second:** Ms. Ailish Wilkie  
**Roll-Call Vote:** **In Favor:** Dr. David Samuels; Dr. Stephen DuLong; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie; Ms. Jacyn Stultz, RDH  
**Opposed:** None  
**Abstain:** None

**Motion:** At 3:08 p.m., to leave Executive Session  
**Motion Made By:** Dr. David Samuels  
**Second:** Ms. Ailish Wilkie  
**Roll-Call Vote:** **In Favor:** Dr. David Samuels; Dr. Stephen DuLong; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie; Ms. Jacyn Stultz, RDH  
**Opposed:** None  
**Abstain:** None

**Motion:** At 3:08 p.m., to adjourn the meeting

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

**Second:** Dr. John Hsu

**Vote:** **In Favor:** Dr. David Samuels; Dr. Stephen DuLong; Ms. Lois Sobel,  
RDH; Ms. Ailish Wilkie; Ms. Jacyn Stultz, RDH

**Opposed:** None

**Abstain:** None

Respectfully submitted,

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Lois Sobel, RDH, Secretary

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Date