



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

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MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY

239 Causeway Street, Boston, MA 02114

Room 417

March 6, 2013

AGENDA

- 8:30 a.m. **Call to Order**
--Review of Open Meeting Law—Board Counsel Marsha Bird
- A. **Executive Session (closed to the public)**
- B. **M.G.L.c.112, §65C Session (closed to the public)**
- 9:10 a.m. C. **Legal Matters—Board Counsel Marsha Bird**
--Advisory Letter
--Continuing Education Issue
--Discussion of Expiration Dates on Medical Gas Tanks
- 9:40 a.m. D. **Educational Session—Board Chair Dr. Mina Paul**
--Comparison of Regional Examinations
- 10:25 a.m. E. **Administrative Matters**
--Proposed BORID Policy on Administration of Botox and Dermal Fillers
--Massachusetts Applicant for NERB DH Consultant Examiner
--AADB Meeting Attendance
--Updates
--April Meeting—Dental School Deans and PGY-1
- 10:45 a.m. F. **Complaint Resolution—Pending Board Cases—Kathy Perault**
--In the Matter of DEN-2011-0184: Dr. Wayland Easley
--In the Matter of DEN-2012-0023: Dr. Wayland Easley
--In the Matter of DEN-2012-0075: Dr. Wayland Easley
--In the Matter of DEN-2012-0076: Dr. Madhavi Vangala
--In the Matter of DEN-2012-0077: Dr. Ean James
--In the Matter of DEN-2012-0078: Laurel Moravec, RDH
--In the Matter of DEN-2012-0058: Dr. Joseph Maniscalco

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- In the Matter of DEN-2012-0072: Dr. Karim Berty
- In the Matter of DEN-2012-0074: Dr. James Forsythe
- In the Matter of SA-INV-2772: Dr. Hamid Tabrizi

G. Complaint Resolution—Pending Board Cases—Sarah Millar

- In the Matter of SA-INV-2701: Dr. Peter Mortelliti
- In the Matter of SA-INV-2865: Unlicensed Practice
- In the Matter of SA-INV-2875: Dr. Alan Budd
- In the Matter of SA-INV-2863: Dr. Simon Faynzilberg
- In the Matter of DEN-2011-0124: Dr. Steven Black
- In the Matter of DEN-2012-0054: Dr. Steven Black
- In the Matter of DEN-2012-0031: Dr. Brett Denhart
- In the Matter of DEN-2012-0090: Dr. Brett Denhart
- In the Matter of DEN-2012-0056: Dr. Daniel Clancy

H. Complaint Resolution—Pending Board Cases—Lisa Seeley-Murphy

- In the Matter of DEN-2012-0111: Dr. John R. Lake, Jr.
- In the Matter of DEN-2012-0113: Dr. John D. Meola, Jr.
- In the Matter of DEN-2012-0124: Dr. Mayada K. Najim
- In the Matter of DEN-2012-0125: Jane E. Loconte, RDH
- In the Matter of DEN-2012-0134: Linna Hor, RDH
- In the Matter of DEN-2012-0136: Yassemin H. Fareek, RDH

I. Complaint Resolution—Pending Board Case—Barbara Yates

- In the Matter of DEN-2011-0188: Dr. Richard Gilbride

J. Approval of Minutes

- February 6, 2012

Adjournment

NEXT MEETING: April 3, 2013

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MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417
March 6, 2013
GENERAL SESSION MINUTES

Board Members Present: Dr. Mina Paul, Chair; Dr. Roderick Lewin; Dr. Stephen DuLong; Dr. John Hsu (*arrived at 8:43 a.m.*); Dr. Cynthia Stevens; Ms. Ailish Wilkie, CPHQ; Ms. Lois Sobel, RDH; Ms. Diane Grondin, CDA Advisor.

Board Members Absent: Dr. Milton Glicksman, Secretary; Ward Cromer, Ph.D.

Staff Members Present: Dr. Madeleine Biondolillo, Director, Bureau of Health Care Safety and Quality; Jeffrey Mills, Assistant Executive Director; Marsha Bird, Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; Investigators Kathleen O'Connell, Kathy Perault, Eileen Mulligan, and Barbara Yates; Nancy Dolberg, Prosecuting Counsel; Rosie Rogers, Administrative Assistant; Erin Belitskus.

Staff Member Absent: Joel Kanter, Ph.D., DPH Consultant.

Motion: To Commence meeting at 8:39 a.m.

Motion Made By: Dr. Roderick Lewin

Second: Dr. Cynthia Stevens

Vote: Unanimous

Motion: To re-order Agenda at 8:40 a.m.

Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

Vote: Unanimous

Motion: To enter Executive Session, at 8:40 a.m.

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Ailish Wilkie

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Vote: **Yea:** Dr. Stephen DuLong; Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ
Abstain: Dr. Mina Paul
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Dr. John Hsu entered the meeting at 8:43 a.m.

Motion: **To leave Executive Session, at 8:45 a.m.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. John Hsu

Vote: **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ
Abstain: Dr. Mina Paul
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To enter M.G.L.c.112, §65C Session, at 8:45 a.m.**

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ
Abstain: Dr. Mina Paul
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To leave M.G.L.c.112, §65C Session, at 8:49 p.m.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Stephen DuLong

Vote: **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ
Abstain: Dr. Mina Paul
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: To enter General Session at 8:49 a.m.
Motion Made By: Ms. Ailish Wilkie
Second: Dr. Stephen DuLong
Vote: Unanimous

Legal Matters—Board Counsel Marsha Bird

--Advisory Letter to Aspen Dental

The Board reviewed and approved the draft letter to Aspen Dental, which requests Aspen Dental to provide a Plan of Correction for the issues the Board has noted in numerous complaints. Specifically, the letter requests Aspen to address Supervision and Support of Dentists; Compliance with Continuing Education Requirements; Billing: Availability of Patient Records; Treatment Planning; Record-Keeping and Advertising. Dr. Mina Paul, Chair and Jeffrey Mills, Assistant Executive Director, will sign the letter.

--Continuing Education Issue

Board Counsel requested clarification of the continuing education requirement for infection control, which now requires licensee to complete a course during each renewal cycle. Specifically, Board Counsel asked whether in those cases where infection control violations are alleged and where the licensee has failed to complete the required infection control course for license renewal, whether the licensee will have to take two infection control courses. The Board determined that in such instances, completion of the required course for license renewal will suffice.

--Compressed Medical Gases

Board Counsel presented to the Board a memorandum discussing the recent decision by the United States Food and Drug Administration (USFDA) to cease enforcement of the requirement to place an expiration date on each cylinder of compressed gas. The USFDA regulates the manufacturers of compressed gas; USFDA regulations require that a stability test be performed on each type of compressed gas to determine the expiration date to be placed on the cylinder. Due to the difficulty of conducting the stability test, the USFDA has through its "enforcement discretion" ceased enforcement of this requirement. The US Department of Transportation (USDOT) classifies compressed gas as hazardous material and as such regulates the transport of the compressed gases, including the type of cylinders to be used and the date by which the cylinder has to be re-qualified for safety.

The Board, in conducting compliance inspections of dental practices, has checked to be certain that an expiration date was on the cylinders of oxygen and nitrous-oxide. Based upon the USFDA decision to no longer enforce this requirement, the Board will no longer inspect for the expiration date; the Board does not have jurisdiction over the manufacturers of compressed gas and therefore cannot require that expiration dates be on the cylinders.

In light of this information, the Board determined that licensees will be required to comply with manufacturers' directions regarding the cylinders and that an advisory will be placed on the Board's website informing licensees of this requirement.

Educational Session—Board Chair Dr. Mina Paul

Dr. Paul presented a series of slides that showed a comparison of the various components of each of the regional dental examinations in the United States.

Administrative Matters

--Proposed BORID Policy on Administration of Botulinum Toxins and Dermal Fillers by Licensed Dentists

Chair Dr. Mina Paul provided some background information regarding the process that has resulted in the proposed policy. A working group comprised of Drs. Paul and Hsu from the Board, as well as representatives from the dental education, oral surgery, general dentistry communities, met over a period of nine months, culminating in the drafting of the proposed policy in January 2013. Dr. Paul expressed thanks to Dr. Frank DiMauro, who was present at this meeting, for his contributions to the proposed policy.

Motion: **To adopt the Policy on Administration of Botulinum Toxins and Dermal Fillers by Licensed Dentists as proposed by the working group, and to publish the Policy on the Board's web site.**

Motion Made By: Dr. Roderick Lewin

Second: Dr. John Hsu

Discussion: Board members had previously read the proposed policy and commended the working group members for their research and for producing this document.

Vote: Unanimous

--Massachusetts Applicant for NERB Dental Hygienist Consultant Examiner

The Board received a request from Dr. Ellis Hall, Director of Examinations at NERB, to record whether or not it would recommend Tiffany Bairos, RDH, a Massachusetts licensee, to become a NERB consultant examiner. After reviewing her credentials, the following was moved.

Motion: To recommend Tiffany Bairos, RDH to NERB as a candidate for dental hygienist consultant examiner.

Motion Made By: Dr. John Hsu

Second: Ms. Ailish Wilkie

Vote: Unanimous

--AADB Meeting Attendance

Chair Dr. Mina Paul noted that the Mid-Year Meeting, April 21-22 is very important, and that the Annual Meeting in October will be in New Orleans. All Board members are automatically members and are encouraged to actively participate in these meetings.

--Updates

Proposed Regulations pertinent to the registration of dental assistants have not yet been returned to the Board from other agencies that must review them before promulgation.

The report of the working group on the use of lasers by dental auxiliaries will be presented at the April Board meeting.

--April Meeting—Dental School Deans and PGY-1

Deans of the Massachusetts dental schools will present additional information on PGY-1 as an alternative path to licensure at the April meeting. It was noted that legislation has been proposed reflecting PGY-1 as such a path. Dr. Biondolillo, Dr. Paul, Attorney Bird and Assistant Executive Director Mills will consult the Department's legislative liaison to keep abreast of any developments.

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-2011-0184: Dr. Wayland Easley

Allegation: Inferior treatment and unable to obtain treatment records

Discussion: Licensee should be aware that copies of patient records must be provided to the patient or patient's designee upon request and in a timely fashion.

Motion: To dismiss the matter with an advisory letter regarding compliance with Board's Regulation at 234 CMR 5.14 (4), Availability of Dental Records.

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

--In the Matter of DEN-2012-0023: Dr. Wayland Easley

Allegation: Inferior treatment, fraud and business practice issues

Discussion: Radiographs of teeth #29 and 30 were viewed, as was the signed consent form. It was alleged that the notation on the consent form for tooth #30 was added at a later date by licensee, but evidence was insufficient to sustain the allegation.

Motion: To dismiss the matter without prejudice.

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

--In the Matter of DEN-2012-0075: Dr. Wayland Easley

Allegations: Regulatory violation-infection control standards violation

Discussion: Focused on infection control violations and lack of facility permit for administration of moderate sedation evidenced at on-site inspection and lack of required CE courses.

Motion: To offer Probation for one year, and to include the following Continuing Education Credits:

Full Day: Risk Management

Full Day: Infection Control

1.5 Hour: Ethics (course may be taken online)

Also to include completion of required course in safe and effective prescribing of opioids for license renewal ending March 31, 2012.

Motion Made By: Dr. John Hsu

Second: Dr. Stephen DuLong

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to: the failure to conduct weekly spore tests in 2011 and 2012; the failure to utilize internal chemical indicators in sterilization pouches; the failure to properly sterilized bite blocks; and the failure to dispose of plastic disposable mirrors after patient use.
- Licensee violated 234 CMR 6.05, by failing to have a current and valid facility permit for the administration of moderate sedation.
- Licensee violated 234 CMR 8.03(a) by failing to complete a continuing education course in infection control required for license renewal for the 2010-2012 license renewal cycle.
- Licensee violated M.G. L. c. 94C, §18(e) by failing to complete continuing education in pain management required for license renewal for the 2010-2012 license renewal cycle.

--In the Matter of DEN-2012-0076: Dr. Madhavi Vangala

Allegations: Regulatory violation-infection control standards violation

Discussion: While not the owner of the practice, this licensee practiced in a setting in which there were infection control and anesthesia permit violations, and did not show proof of the required CE course.

Motion: To offer Stayed Probation for six months, and to include the following Continuing Education Credits:
2 Hours: Risk Management
Full Day: Infection Control
1.5 Hour: Ethics (course may be taken online)
Licensee must complete a Pain Management course to comply with the required continuing education for license renewal ending March 31, 2012.

Motion Made By: Dr. Cynthia Stevens

Second: Dr. John Hsu

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to: the failure to conduct weekly spore tests in 2011 and 2012; the failure to utilize internal chemical indicators in sterilization pouches; the failure to properly sterilized bite blocks; and the failure to dispose of plastic disposable mirrors after patient use.
- Licensee violated 234 CMR 6.05, by failing to have a current and valid facility permit for the administration of moderate sedation.
- Licensee violated 234 CMR 8.03(a) by failing to complete a continuing education course in infection control required for license renewal for the 2010-2012 license renewal cycle.
- Licensee violated M.G. L. c. 94C, §18(e) by failing to complete continuing education in pain management required for license renewal for the 2010-2012 license renewal cycle.

--In the Matter of DEN-2012-0077: Dr. Ean James

Allegations:

Regulatory violation-infection control standards violation

Discussion:

While not the owner of the practice, this licensee practiced in a setting in which there were infection control and anesthesia permit violations, and did not show proof of the required CE course.

Motion:

To offer Stayed Probation for six months, and to include the following Continuing Education Credits:

2 Hours: Risk Management

Full Day: Infection Control

1.5 Hour: Ethics (course may be taken online)

Licensee must complete a Pain Management course to comply with the required continuing education required for license renewal ending March 31, 2012.

Motion Made By:

Dr. John Hsu

Second:

Dr. Cynthia Stevens

Vote:

Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to: the failure to conduct weekly spore tests in 2011 and 2012; the failure to utilize internal chemical indicators in sterilization pouches; the failure to properly sterilized bite blocks; and the failure to dispose of plastic disposable mirrors after patient use.
- Licensee violated 234 CMR 6.05, by failing to have a current and valid facility permit for the administration of moderate sedation.
- Licensee violated 234 CMR 8.03(a) by failing to complete a continuing education course in infection control required for license renewal for the 2010-2012 license renewal cycle.
- Licensee violated M.G. L. c. 94C, §18(e) by failing to complete continuing education in pain management required for license renewal for the 2010-2012 license renewal cycle.

--In the Matter of DEN-2012-0078: Laurel Moravec, RDH

- Allegations:** Regulatory violation-infection control standards violation
- Discussion:** While this licensee left the practice upon notice the complaint was being filed by the Board, she did briefly practice in a setting in which there were infection control violations.
- Motion:** **To dismiss the matter with advisory letter regarding the requirement to comply with CDC guidelines for infection control**
- Motion Made By:** Ms. Lois Sobel
- Second:** Dr. John Hsu
- Vote:** Unanimous

--In the Matter of DEN-2012-0058: Dr. Joseph Maniscalco

- Allegations:** Business practice issues
- Discussion:** The business agreement between this licensee and the dentist from whom he bought the practice is outside the Board's jurisdiction. However, there were record-keeping deficiencies.

Motion: To dismiss the matter with an advisory letter regarding compliance with Board's Regulation at 234 CMR 5.15, Content of Patient Records.

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

--In the Matter of DEN-2012-0072: Dr. Karim Berty

Allegations: Patient abandonment/neglect, inferior work and business practice issues

Discussion: After reviewing results of the compliance inspection that was conducted, there was insufficient evidence to support allegations from an employee who had been discharged from her position and subsequently denied unemployment benefits.

Motion: To dismiss the matter without prejudice.

Motion Made By: Ms. Lois Sobel

Second: Dr. John Hsu

Vote: Unanimous

--In the Matter of DEN-2012-0074: Dr. James Forsythe

Allegation: Discipline in another jurisdiction

Discussion: The results of the peer review at VA Healthcare and the licensee's CE credits were reviewed.

Motion: To offer Stayed Probation for six months, and to include the following Continuing Education Credit:
2 Hours: Risk Management
Also to include completion of required license renewal courses in safe and effective prescribing of opioids and infection control.

Motion Made By: Dr. Stephen DuLong

Second: Dr. John Hsu

Vote: Unanimous

Justification:

- Licensee violated M.G. L. c. 94C, §18(e) by failing to complete continuing education in effective pain management pain management required for license renewal.
- Licensee violated 234 CMR 8.03(a) by failing to complete a continuing education course in infection control.

--In the Matter of SA-INV-2772: Dr. Hamid Tabrizi

Allegations: Inferior treatment and unable to obtain records

Discussion: Upon review of the patient record, no deficiencies were noted, and copies of the patient's radiographs were received by the patient within one week of the request.

Motion: **To not open as a formal complaint.**

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Ailish Wilkie

Vote: Unanimous

Motion: **To enter M.G.L.c.112, §65C Session, at 12:04 p.m.**

Motion Made By: Dr. John Hsu

Second: Ms. Ailish Wilkie

Vote: **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie, CPHQ

Abstain: Dr. Mina Paul

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

Motion: **To leave M.G.L.c.112, §65C Session, at 12:13 p.m.**

Motion Made By: Dr. Cynthia Stevens

Second: Dr. Stephen DuLong

Vote: **Yea:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Roderick Lewin;
Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Ailish Wilkie
Abstain: Dr. Mina Paul
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

--In the Matter of SA-INV-2701: Dr. Peter Mortelliti

Allegation: Business practice issues in a practice referring patients to complainant

Discussion: The investigator has already advised this complainant to have any patients dissatisfied with care received at or abandonment by the referring practice to file complaints with BORID.

Motion: **To not open as a formal complaint.**

Motion Made By: Dr. Cynthia Stevens

Second: Dr. Roderick Lewin

Vote: Unanimous

--In the Matter of SA-INV-2865: Unlicensed Practice

Allegation: Unlicensed practice

Discussion: As with all cases of practice by a person never licensed in the Commonwealth, this is outside the Board's purview and cannot be opened as a complaint.

Motion: **To not open as a formal complaint.**

Motion Made By: Dr. Cynthia Stevens

Second: Dr. John Hsu

Vote: Unanimous

--In the Matter of SA-INV-2875: Dr. Alan Budd

Allegation: Misdiagnosis of condition

Discussion: Full mouth radiographs were reviewed.

Motion: **To not open as a formal complaint.**

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Motion Made By: Dr. Cynthia Stevens
Second: Dr. John Hsu
Vote: Unanimous

--In the Matter of SA-INV-2863: Dr. Simon Faynzilberg

Allegation: Misdiagnosis of condition and abandonment
Discussion: Radiographs were reviewed.
Motion: **To not open as a formal complaint.**
Motion Made By: Dr. Cynthia Stevens
Second: Dr. John Hsu
Vote: Unanimous

--In the Matter of DEN-2011-0124: Dr. Steven Black

Allegation: Infection control violation
Discussion: History of the Corporate Integrity Agreement by Church Street Health Management was presented, as was the definition of "quality of care reportable matter." As CSHM has reported such a matter in this case, the Board conducted a compliance inspection and found infection control violations.
Motion: **To offer Probation for one year, and to include the following requirements:**

- **Full Day: Risk Management**
- **Full Day: Infection Control**
- **One Semester Course: Ethics with a grade B or better.**
- **Complete continuing education required for license renewal for the 2008-2009 license renewal cycle.**
- **Licensee shall notify any supervisor and employer of discipline.**

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

- Justification:**
- Licensee violated M.G. L. c. 112, § 51A and 234 CMR 5.01, by failing to complete continuing education required for license renewal for renewal cycle (include renewal cycle).
 - Licensee violated 234 CMR 5.02 (2) (b) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled.

--In the Matter of DEN-2012-0054: Dr. Steven Black

- Allegations:** Failure to adhere to standards of practice
- Discussion:** The adverse incidents regarding patient care reported by CSHM were reviewed.
- Motion:** To dismiss the matter without prejudice.
- Motion Made By:** Dr. John Hsu
- Second:** Dr. Roderick Lewin
- Vote:** Unanimous

--In the Matter of DEN-2012-0056: Dr. Daniel Clancy

- Allegations:** General practice standards
- Discussion:** Radiographs (FMX and panoramic) were reviewed as were licensee's reported CE credits.
- Motion:** To offer Stayed Probation for six months, and to include the following Continuing Education Credits:
- 2 Hours: Risk Management
 - Complete continuing education required for license renewal for the 2010-2012 renewal cycle, including the completion of the required courses in Infection Control and Safe and Effective Prescribing for Pain Management.
- Motion Made By:** Dr. John Hsu
- Second:** Dr. Stephen DuLong
- 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.
- Licensee violated 234 CMR 8.02(7) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled.
- Licensee violated 234 CMR 8.03(a) by failing to complete a continuing education course in infection control.
- Licensee violated M.G. L. c. 94C, §18(e) by failing to complete continuing education in effective pain management pain management required for license renewal.

--In the Matters of DEN-2012-0031 and DEN-2012-0090: Dr. Brett Denhart

Discussion:

After having discussed both matters, the Board moved the following.

Motion:

To join DEN-2012-0031 and DEN-2012-0090.

Motion Made By:

Ms. Ailish Wilkie

Second:

Dr. Cynthia Stevens

Vote:

Unanimous

--In the Matters of DEN-2012-0031 and DEN-2012-0090: Dr. Brett Denhart

Allegations:

General practice standards and infection control violations

Discussion:

Photographs of the facility were reviewed, as well as results of compliance inspection. The chronology of the patient incident was reviewed in detail, as were photographs of the patient post-incident.

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Motion: To offer Suspension for one year, and to include the following requirements:

- Full Day: Risk Management
- Full Day: Diagnosis and Treatment Planning
- 1.5 Hours: Ethics (may be taken online)
- Administration of General Anesthesia: Prior to registering for course, Licensee shall provide Board with course curriculum for approval by the Board. Course shall have a significant component addressing record-keeping requirements for administration of general anesthesia.

Also, refer matter to the Board of Registration in Medicine, as the licensee is also a licensed Physician. Additionally, refer DEN-2012-0031 to the Board of Registration in Nursing, as a Registered Nurse was involved in the incident.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification:

DEN 2012-0090

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to the failure to: maintain sterility of surgical handpieces; have sterile gloves for surgical procedures; to sterilize nasal hood prior to patient use.
- Licensee violated 234 CMR 6.04 (3), Drugs Required for Facility Permit D-A, by having expired medications, including but not limited to: succinylcholine, pre-loaded adult epinephrine, and oxygen cylinder D tank.
- Licensee violated 234 CMR 6.04 (1) by failing to maintain documentation of maintenance of equipment and medications.
- Licensee violated 234 CMR 6.11 (5) (c) by failing to maintain a proper Anesthesia Chart documenting pre, intra, and post-operative vital signs; end of time of procedure, and patient condition upon discharge.
- Licensee violated 234 CMR 5.16, Emergency Protocols, by failing to have a written protocol for managing medical and dental emergencies

DEN 2012-0031

- Licensee violated 234 CMR 9.05 9 (14) by committing an act that violates recognized standards of care by failing to inform and obtain consent of parent of a minor prior to attempting to place IV in patient multiple times in order to perform an extraction, which because of the failure to place an IV, was not done.

Complaint Resolution—Pending Board Cases—Lisa Seeley-Murphy

--In the Matter of DEN-2012-0111: Dr. John R. Lake, Jr.

- Allegation:** Failure to obtain necessary permits
- Discussion:** Evidence showed that licensee did not apply for a permit to administer nitrous-oxide oxygen in a new facility, yet administered without such permit.
- Motion:** To offer Reprimand.
- Motion Made By:** Dr. Cynthia Stevens
- Second:** Ms. Ailish Wilkie

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 6.14, by failing to have a Facility C Permit required for the Administration of Nitrous-oxide oxygen and administering anesthesia without the required permit.

--In the Matter of DEN-2012-0113: Dr. John D. Meola, Jr.

Allegation: Failure to obtain necessary permits

Discussion: Evidence showed that licensee did not apply for a permit to administer nitrous-oxide oxygen in a new facility, yet administered without such permit. Board reviewed submitted CE, as well.

Motion: **To offer Reprimand and to include the following Continuing Education Credits:**

- **Complete continuing education in Infection Control and Safe and Effective Prescribing for Pain Management required for the 2010-2012 license renewal cycle.**

Licensee shall complete required courses within three months from the Effective Date of the Consent Agreement.

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Ailish Wilkie

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 6.14, by failing to have a Facility C Permit required for the Administration of Nitrous-oxide oxygen and administering anesthesia without the required permit.
- Licensee violated 234 CMR 8.03(a) by failing to complete a continuing education course in infection control.
- Licensee violated M.G. L. c. 94C, §18(e) by failing to complete continuing education in effective pain management pain management required for license renewal.

--In the Matter of DEN-2012-0124: Dr. Mayada K. Najim

Allegations: Infection control violations

Discussion: Results of compliance inspection and corrective actions were reviewed, as were CE credits submitted by Licensee.

Motion: To offer Probation for one year, and to include the following Continuing Education Credits:

- 2 Hours: Risk Management
- Complete continuing education required for license renewal for the 2010-2012 renewal cycle, including the completion of the required courses in Infection Control and Safe and Effective Prescribing for Pain Management.

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Ailish Wilkie

Vote: Unanimous

Justification:

- Licensee violated M.G. L. c. 94C, §18(e) by failing to complete continuing education in effective pain management pain management required for license renewal.
- Licensee violated 234 CMR 8.03(a) by failing to complete a continuing education course in infection control.
- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to the failure to: weekly spore tests in 2012; and, maintain an Infection Control Protocol.
- Licensee violated 234 CMR 5.16, by failing to have written protocols for managing medical and dental emergencies; failing to provide annual training for staff in managing emergencies, and to maintain a current emergency drug kit.
- Licensee violated 234 CMR 6.15, by failing to maintain the medicaments and equipment required for the administration of local anesthesia. Said deficiencies include, but are not limited to, the failure to have current Acetylsalicylic Acid, Epinephrine, and Albuterol Inhaler; Portable Oxygen Cylinder E, and an AED in working order.

--In the Matter of DEN-2012-0125: Jane E. Loconte, RDH

Allegations: Infection control violations

Discussion: While this RDH is not the owner of the practice, it is incumbent upon all licensees to comply with infection control regulations.

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Motion: To dismiss the matter with advisory letter regarding the requirement to comply with 234 CMR 5.02 (5), CDC Guidelines, Including Weekly Spore Testing, in any dental practice in which Licensee is employed.

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Lois Sobel

Vote: Unanimous

--In the Matter of DEN-2012-0134: Linna Hor, RDH

Allegations: Infection control violations

Discussion: While this RDH is not the owner of the practice, it is incumbent upon all licensees to comply with infection control regulations.

Motion: To dismiss the matter with advisory letter regarding the requirement to comply with 234 CMR 5.02 (5), CDC Guidelines, Including Weekly Spore Testing, in any dental practice in which Licensee is employed.

Motion Made By: Dr. John Hsu

Second: Ms. Lois Sobel

Vote: Unanimous

--In the Matter of DEN-2012-0136: Yassemin H. Fareek, RDH

Allegations: Infection control violations

Discussion: While this RDH is not the owner of the practice, it is incumbent upon all licensees to comply with infection control regulations.

Motion: To dismiss the matter with advisory letter regarding the requirement to comply with 234 CMR 5.02 (5), CDC Guidelines, Including Weekly Spore Testing, in any dental practice in which Licensee is employed.

Motion Made By: Dr. John Hsu

Second: Ms. Lois Sobel

Vote: Unanimous

--In the Matter of DEN-2011-0188: Dr. Richard Gilbride

- Allegations:** Failure to adhere to the standards of practice
- Discussion:** Review of patient record and statements from witness and subsequent provider, surgical pathology reports, and statement of expert hired by complainant's attorney.
- Motion:** **To offer Probation for one year, and to include the following Continuing Education Credits:**
Full Day: Risk Management
Full Day: Record Keeping
Full Day: Diagnosis and Treatment Planning in Clinical Oral Pathology
Also, to include completion of required Safe and Effective Prescribing for Pain Management continuing education course, plus all deficient continuing education courses from the 2008-2009 renewal cycle.
- Motion Made By:** Ms. Ailish Wilkie
- Second:** Dr. Cynthia Stevens
- Vote:** Unanimous
- Justification:**
- Licensee violated 234 CMR 5.15 and 9.05 (3) by failing to perform and/or document an oral cancer screening and failed to refer the patient for an evaluation of a non-healing oral lesion.
 - Licensee violated M.G. L. c. 112, § 51A and 234 CMR 5.01, by failing to complete continuing education required for license renewal for the 2008-2009 license renewal cycle.
 - Licensee violated 234 CMR 5.02 (2) (b) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled
 - Licensee violated M.G. L. c. 94C, §18(e) by failing to complete continuing education in effective pain management pain management required for license renewal.

In considering the aforementioned complaints, the Board reviewed available patient records, radiographs, and documentation from the licensee(s) and complainant(s) regarding the allegation(s).

Dr. John Hsu left the meeting at 12:40 p.m.

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Adopted by Board May 1, 2013

Motion: To adopt minutes of February 6, 2013, General Session, as corrected.

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Lois Sobel

Vote: Unanimous

Motion: To adopt minutes of February 6, 2013, M.G.L.c.112, §65C Session.

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Lois Sobel

Vote: Unanimous

Motion: To adopt minutes of February 6, 2013, Executive Session.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Roderick Lewin

Vote: Unanimous

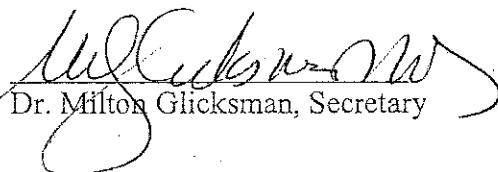
Motion: To adjourn the meeting at 12:45 p.m.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Cynthia Stevens

Vote: Unanimous

Respectfully submitted,


Dr. Milton Glicksman, Secretary

Date: 6/5/13