

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
Board of Registration in Dentistry
239 Causeway Street, Suite 500, Boston, MA 02114

Tel: 617-973-0971
Fax: 617-973-0980
www.mass.gov/dph/boards/dn

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417
May 1, 2013
AGENDA

8:30 a.m.

Call to Order

- A. Executive Session (closed to the public)
- B. Adjudicatory Session (closed to the public)
- C. M.G.L.c.112, §65C Session (closed to the public)

9:15 a.m.

D. Complaint Resolution—Pending Board Cases—Kathy Perault

- In the Matter of DEN-2012-0069: Dr. Carol Dermesropian
- In the Matter of DEN-2012-0068: Dr. Susana Moon Cho
- In the Matter of DEN-2012-0112: Dr. Rakesh Somanathan
- In the Matter of DEN-2012-0087: Dr. Jonathan Wood
- In the Matter of DEN-2012-0086: Dr. Edward Brown
- In the Matter of DEN-2012-0085: Dr. Rustom Mehta
- In the Matter of SA-INV-2830: Dr. Tiffany Glasier
- In the Matter of SA-INV-2905: Tufts Univ. School of Dental Medicine
- In the Matter of SA-INV-2920: Dr. Michael Broutsas
- In the Matter of SA-INV-2953: Dr. Stanley Levenson
- In the Matter of SA-INV-3010: Dr. Stanley Levenson

E. Complaint Resolution—Pending Board Cases—Sarah Millar

- In the Matter of DEN-2012-0080: Dr. Wasseem Al-Attar
- In the Matter of DEN-2012-0145: Dr. Thomas Pasquerella
- In the Matter of DEN-2012-0144: Dr. Sharare Soleymani
- In the Matter of DEN-2012-0174: Dr. Farzad Hagayegi
- In the Matter of DEN-2012-0173: Dr. Sharare Soleymani
- In the Matter of DEN-2012-0172: Dr. Thomas Pasquerella
- In the Matter of DEN-2012-0175: Jacqueline Sleeper, RDH
- In the Matter of DEN-2012-0176: Courtney Dynes, RDH

--In the Matter of DEN-2012-0177: Ileana Reyes, RDH

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

--In the Matter of SA-INV-2093: Dr. John Giordano
--In the Matter of DEN-2012-0135: Dr. Cressida Joseph
--In the Matter of DEN-2012-0129: Cuthbert Joseph, RDH
--In the Matter of DEN-2012-0126: Dr. Jacqueline Jacobson
--In the Matter of DEN-2012-0127: Dr. Edward Brown, Jr.
--In the Matter of DEN-2012-0128: Dr. Aidee Nieto-Herman
--In the Matter of DEN-2012-0130: Melanie Sturup, RDH
--In the Matter of DEN-2012-0131: Maria Martin, RDH
--In the Matter of DEN-2012-0132: Wilson Casimir, RDH
--In the Matter of DEN-2012-0133: Zara Azim Shirazi, RDH

G. Complaint Resolution—Pending Board Cases—Barbara Yates

--In the Matter of DEN-2013-0025: Donna Barrows, RDH
--In the Matter of DEN-2013-0026: Dr. Kenneth McPartland

H. Complaint Resolution—Pending Board Cases—Kathleen O'Connell

--In the Matter of DEN-2012-0001: Dr. Domenic Mazzocco
--In the Matter of DEN-2012-0064: Dr. William O'Donnell
--In the Matter of SA-INV-3191: Dr. Remina Ali

I. Complaint Resolution—Pending Board Cases—Eileen Mulligan

--In the Matter of DEN-2011-0170: Dr. Russell Fox
--In the Matter of DEN-2012-0191: Dr. Sarat Ummethala

J. Administrative Matters

--AADB News from April Meeting
--Workgroup Updates

K. Review of General Session Minutes of Previous Board Meetings

--Meeting of March 6, 2013
--Meeting of April 3, 2013

Adjournment

NEXT MEETING: June 5, 2013

Board of Registration in Dentistry
General Session Minutes
May 1, 2013
Adopted by Board June 5, 2013

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417
May 1, 2013
GENERAL SESSION MINUTES

Board Members Present: Dr. Mina Paul, Chair; Dr. Milton Glicksman, Secretary; Dr. Roderick Lewin; Dr. Stephen DuLong; Dr. John Hsu (*arrived at 9:18 a.m.*); Dr. Cynthia Stevens; Ms. Ailish Wilkie, CPHQ; Ms. Lois Sobel, RDH; Ms. Diane Grondin, CDA Advisor.

Board Member Absent: Ward Cromer, Ph.D.

Staff Members Present: James Lavery, Director of DHPL; Joel Kanter, Ph.D., DPH Consultant; Jeffrey Mills, Assistant Executive Director; Marsha Bird, Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; Investigators Sarah Millar, Eileen Mulligan, Kathleen O'Connell, Kathy Perault, Lisa Seeley-Murphy and Barbara Yates; Eugene Langner, Prosecuting Counsel; Rosie Rogers, Administrative Assistant; Traci Westgate, Paralegal; Annette O'Brien, Consultant to Multi-Boards; Ichelle Herbu, Assistant Executive Director, Multi-Boards; Curtis Jackson, MPRS Coordinator; Erin Belitskus.

Motion: **To commence the meeting at 8:31 a.m.**

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Lois Sobel

Vote: Unanimous

Motion: **To re-order the agenda at 8:31 a.m.**

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Vote: Unanimous

Motion: **To approve minutes of March 6, 2013, General Session.**

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Lois Sobel

Board of Registration in Dentistry
General Session Minutes
May 1, 2013
Adopted by Board June 5, 2013

Vote: Unanimous

Motion: To approve minutes of April 3, 2013, General Session.

Motion Made By: Ms. Lois Sobel

Second: Dr. Cynthia Stevens

Vote: Unanimous

Administrative Matters

--AADB News from April Meeting

Drs. Paul, Glicksman, Stevens, and DuLong attended the meeting. Both the Chair and the Executive Director of the Oklahoma Board of Dentistry gave a presentation on the investigation process regarding the first proven link of patient-to-patient Hepatitis C transmission in a dental office in their state. Continuing competency in general dentistry was the focus of much of the meeting. The next step of the process will be determining how to establish appropriate assessment tools. National Boards will combine into a one-part exam around 2017.

--New Division Director Introduced

James Lavery, Esq., who previously served as Chief Prosecuting Counsel for the Division of Health Professions Licensure (DHPL) was introduced by Chair Dr. Mina Paul to the Board as the new Director of DHPL. Mr. Lavery thanked the Board for its work and expressed his desire to continue a close working relationship with the Members. He also expressed thanks to Dr. Joel Kanter for his work as a Consultant providing guidance to the Division during the past few months when there was no Director.

--Prescription Monitoring Program Update

Dr. Paul informed the Board of the recently passed legislation that will affect the prescribing practices of dentists, physicians, and podiatrists. (Nurse practitioners and physician assistants were not included in the legislation.) Several months ago, prior to the law's passage, a draft of the new legislation had been presented to senior staff and Board Counsel of this Board, the Boards of Registration in Medicine, Nursing, Podiatry, and Physician Assistants. At that time, staff expressed concerns over the definition of "new patient" and the maximum number of staff (namely, two) to which access to the PMP could be granted by the prescriber. The new law requires the prescriber to access the PMP for each new patient; "new patient" is defined as any person not seen by the prescriber during the past 12 months. The legislation does not acknowledge professional discretion as part of the decision-making process regarding need to access the PMP. The law is to go into effect on August 13, 2013. Dr. Paul has been named to a task force to address concerns over the implementation of this new legislation. Representatives from other affected constituencies are also on this task force. The group has met and is planning action steps to address these concerns.

--Workgroup Updates

Board of Registration in Dentistry
General Session Minutes
May 1, 2013
Adopted by Board June 5, 2013

Members of the Working Groups on PGY-1 and Compliance Inspection Forms will be notified of their initial meetings by e-mail during the month of May. It is hoped these groups will begin their work during June or July.

Motion: **To Leave General Session, at 8:56 a.m.**

Motion Made By: Ms. Lois Sobel

Second: Dr. Cynthia Stevens

Vote: Unanimous

Motion: **To Enter Executive Session, at 8:56 a.m.**

Motion Made By: Ms. Lois Sobel

Second: Dr. Cynthia Stevens

Vote: **Aye:** Dr. Stephen DuLong; Dr. Milton Glicksman; 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 Executive Session, at 9:06 a.m.**

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Lois Sobel

Vote: **Aye:** Dr. Stephen DuLong; Dr. Milton Glicksman; 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 Adjudicatory Session, at 9:06 a.m.**

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Lois Sobel

Vote: **Aye:** Dr. Stephen DuLong; Dr. Milton Glicksman; 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 Adjudicatory Session, at 9:48 a.m.
Motion Made By: Dr. Roderick Lewin
Second: Ms. Lois Sobel
Vote: **Aye:** Dr. Stephen DuLong; Dr. Milton Glicksman; 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 9:48 a.m.
Motion Made By: Ms. Lois Sobel
Second: Dr. Cynthia Stevens
Vote: **Aye:** Dr. Stephen DuLong; Dr. Milton Glicksman; 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 9:49 a.m.
Motion Made By: Dr. Stephen DuLong
Second: Ms. Lois Sobel
Vote: **Aye:** Dr. Stephen DuLong; Dr. Milton Glicksman; 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 9:49 a.m.
Motion Made By: Dr. John Hsu
Second: Dr. Cynthia Stevens
Vote: Unanimous

Complaint Resolution—Pending Board Cases

Investigators presented their previously distributed Investigative Reports, including patient treatment records, patient financial records, radiographs, and other documents related to each matter considered by the Board, including but not limited to, letters submitted by complainant(s), licensee, and subsequently treating dentists.

--In the Matter of DEN-2012-0069: Dr. Carol Dermesropian

- Allegation:** Standard of practice violation
- Discussion:** Board reviewed Investigative Report, noting that Licensee treated patient one time; Board also reviewed radiographs, but was not certain that this Licensee was responsible for the failure to detect caries under the crown build up; Board also noted that Licensee's record keeping was deficient.
- Motion:** **To offer Stayed Probation for six months, to include the following Continuing Education:**
Full Day: Record Keeping
Also, to complete courses in Safe and Effective Opioid Prescribing for Chronic Pain and Infection Control required for license renewal for the renewal cycle ending March 2012.
Credits shall not be applied to 2014 license renewal.
- Motion Made By:** Ms. Lois Sobel
- Second:** Dr. Cynthia Stevens
- Vote:** Unanimous
- Justification:**
- Licensee violated MGL 94C, Section 18(e), requiring all prescribers, to complete education relative to effective pain management; identification of patients at high risk for substance abuse; and counseling patients about the side effects, addictive nature and proper storage and disposal of prescription medications.
 - Licensee violated 234 CMR 8.03(a) by failing to complete a continuing education course in infection control.
 - Licensee violated 234 CMR 8.02 (7) by signing under pains and penalties of perjury that he/she has completed required CEUs required for license renewal.
 - 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.

--In the Matter of DEN-2012-0068: Dr. Susana Moon Cho

Board of Registration in Dentistry
General Session Minutes
May 1, 2013
Adopted by Board June 5, 2013

Allegation: Standard of practice violation

Discussion: Board determined that because Licensee no longer hold a current and valid Massachusetts dental license, this matter should be dismissed without prejudice, including in the letter to the Licensee that although the matter has been dismissed, if she seeks to reinstate her license, the matter will be reopened.

Motion: **To dismiss the matter without prejudice.**

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

--In the Matter of DEN-2012-0112: Dr. Rakesh Somanathan

Allegation: Failure to adhere to the standard of practice violation

Discussion: Board noted Licensee's failure to document radiograph and discrepancy between what was documented in patient record and what was stated in the Licensee's response to the Board.

Motion: **To offer Stayed Probation for six months, to include the following Continuing Education:**
Full Day: Risk Management
Full Day: Record Keeping
Also, to complete infection control required for license renewal for the 2012 license renewal cycle. Credits shall not be applied to 2014 license renewal.

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.15 by failing to document in the patient record that a radiograph was taken of tooth #18 on or about March 3, 2011 and then stated in her response that there was no mention of subsequent pain in the patient record where patient record submitted by Licensee indicates that on March 22, 2011 patient presented with pain in teeth #'s 18 and 19 and no radiograph was taken.
- Licensee violated 234 CMR 8.03(a) by failing to complete a continuing education course in infection control.
- Licensee violated 234 CMR 8.02 (7) by signing under pains and penalties of perjury that he/she has completed required CEUs required for license renewal

Secretary, Dr. Milton Glicksman chaired the meeting for the next three matters: DEN-2012-0087, DEN-2012-0086, and DEN-2012-0085.

--In the Matter of DEN-2012-0087: Dr. Jonathan Wood

- Allegation:** Regulatory violation – infection control standards violation
- Discussion:** Board discussion focused on the severity of the infection control violations, lack of radiation control certificate and lack of emergency protocols. Board also reviewed photographs of the dental office.
- Motion:** **To offer Suspension for one year, to include the following Continuing Education:**
Full Day: Risk Management
Full Day: Infection Control
Full Day: OSHA
Full Day: Managing Medical Emergencies in the Dental Office
2 Hours: Ethics (may be taken online)
- Motion Made By:** Dr. John Hsu
- Second:** Dr. Roderick Lewin
- Vote:** Unanimous
- Recused:** Dr. Mina Paul left the meeting at 10:33 a.m.

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 failure to conduct weekly spore tests, failure to maintain sterilization monitoring records, and failure to use internal indicators for pouches used to sterilize hand pieces.
- Licensee violated 234 CMR 5.16 and 6.14 by failing to have a complete and current Emergency Drug Kit and medicament required for the administration of local anesthesia. Said deficiencies include, but are not limited to, the failure to have current: Epinephrine Ampoules; Acetylsalicylic Acid; Antihistamine; Antihypoglycemic, Bronchodilator and Vasopressor; Portable Oxygen E cylinder; an Emergency Protocol for managing medical emergencies and failure to provide documentation of annual training in managing emergencies.
- Licensee violated 234 CMR 5.04 (1) by failing to post licenses of for Licensee, associates and dental hygienists.

--In the Matter of DEN-2012-0086: Dr. Edward Brown

- Allegation:** Regulatory violation – infection control violation
- Discussion:** Board reviewed Investigative Report, noting that Licensee was an independent contractor (in the office of Dr. Jonathan Wood) who worked in the office two days a week for one year.
- Motion:** **To dismiss the matter without prejudice.**
- Motion Made By:** Dr. Stephen DuLong
- Second:** Dr. Roderick Lewin
- Vote:** Unanimous
- Recused:** Dr. Mina Paul left the meeting at 10:33 a.m.

--In the Matter of DEN-2012-0085: Dr. Rustom Mehta

- Allegation:** Regulatory violation – infection control violation

Discussion: Board reviewed Investigative Report and noted that while Licensee worked an independent contractor in the practice (owned by Dr. Jonathan Wood), he brought his own instruments, maintained in sterile packets; Board reviewed the spore test results which Licensee conducted in his own office.

Motion: **To dismiss the matter without prejudice.**

Motion Made By: Dr. John Hsu

Second: Ms. Ailish Wilkie

Vote: Unanimous

Recused: Dr. Mina Paul left the meeting at 10:33 a.m.

Dr. Mina Paul returned to the meeting at 10:45 a.m. after she recused for the above matters: DEN-2012-0087, DEN-2012-0086, and DEN-2012-0085

--In the Matter of SA-INV-2830: Dr. Tiffany Glasier

Allegation: Inferior treatment

Discussion: Board members reviewed the Investigative Report and found insufficient evidence to open a complaint.

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

Motion Made By: Dr. John Hsu

Second: Ms. Lois Sobel

Vote: Unanimous

--In the Matter of SA-INV-2905: Tufts Univ. School of Dental Medicine

Allegations: Business practice issues

Discussion: Board members reviewed the Investigative Report and determined there is insufficient evidence to open a complaint.

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

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

--In the Matter of SA-INV-2920: Dr. Michael Broutsas

Allegations: Abandonment, business practice issues and inferior treatment

Discussion: After reviewing the Investigative Report, Board members found insufficient evidence to open a complaint.

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

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

--In the Matter of SA-INV-2953: Dr. Stanley Levenson

Allegation: Inferior treatment

Discussion: Board members reviewed photographs, radiographs, and the patient record. Record-keeping deficiencies were noted, but there was insufficient evidence to open a complaint.

Motion: **To not open as a formal complaint and send an advisory letter regarding compliance with Board's Regulation at 234 CMR 5.15, Content of Patient Records.**

Motion Made By: Ms. Lois Sobel

Second: Dr. Roderick Lewin

Vote: Unanimous

--In the Matter of SA-INV-3010: Dr. Stanley Levenson

Allegation: Media release revealed that a flash at the licensee's dental office was caused by the dental assistant filling a lamp with alcohol that is used when making dentures. Somehow the alcohol caught fire. The fire reportedly burned the licensee's face. The assistant received less serious injuries.

Discussion: Matter was referred to the Board by OSHA who fined Licensee for noncompliance with OSHA regulation.

Motion: **To open as a formal complaint.**

Motion Made By: Dr. John Hsu

Second: Ms. Lois Sobel

Vote: Unanimous

The meeting was paused for a brief break at 10:50 a.m. and resumed at 10:58 a.m.

--In the Matter of DEN-2012-0080: Dr. Wasseem Al-Attar

Allegation: Inferior treatment

Discussion: Board reviewed Investigative Report noting a lack of general consent and charting of restorations and sealants.

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

Completion of Safe and Effective Opioid Prescribing for Chronic Pain required for license renewal cycle ending March 31, 2012 and which may be applied to the continuing education requirements for the license renewal cycle ending March 31, 2014.

Infection Control required for license renewal cycle ending March 31, 2012, but which may *not* be applied to the continuing education requirements for the license renewal cycle ending March 31, 2014 as the requirement has been in effect since August 2010.

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 8.03(a) by failing to complete a continuing education course in infection control
- Licensee violated MGL 94C, Section 18(e), requiring all during each dental license renewal period, to complete education relative to effective pain management; identification of patients at high risk for substance abuse; and counseling patients about the side effects, addictive nature and proper storage and disposal of prescription medications.
- Licensee violated 234 CMR 5.15, recordkeeping requirements, by failing to perform and/or document charting of existing restorations and written general informed consent.
- Licensee violated 234 CMR 8.02 (7) by signing under pains and penalties of perjury that he/she has completed required CEUs required for license renewal

--In the Matter of DEN-2012-0174: Dr. Farzad Hagavegi

Allegations:

Infection control violations

Discussion:

Licensee reviewed investigative report, noting that although Licensee is owner of the practice he has not practiced since 2010; Based on compliance inspection, practice was found to be noncompliant with CDC Guidelines, including failure to conduct weekly spore testing.

Motion:

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

Completion of Safe and Effective Opioid Prescribing for Chronic Pain required for license renewal cycle ending March 31, 2012 and which may be applied to the continuing education requirements for the license renewal cycle ending March 31, 2014

Infection Control required for license renewal cycle ending March 31, 2012, but which may not be applied to the continuing education requirements for the license renewal cycle ending March 31, 2014 as the requirement has been in effect since August 2010.

Motion Made By:

Dr. John Hsu

Second:

Dr. Milton Glicksman

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 failure to conduct weekly spore tests in 2011 and 2012 on each steam sterilizer in the office.
- Licensee violated 234 CMR 5.16 and 6.14 by failing to have a complete and current Emergency Drug Kit and medicament required for the administration of local anesthesia. Said deficiencies include, but are not limited to, the failure to have current: Epinephrine Ampules; Antihypoglycemic, Bronchodilator and Vasopressor; and current Lidocaine and Mepivacaine; and failure to document annual office training in emergency protocols.
- Licensee violated M.G. L. c. 112, §50, by failing to place patient identification information in removable prosthesis.
- Licensee violated 234 CMR 8.03(a) by failing to complete a continuing education course in infection control
- Licensee violated MGL 94C, Section 18(e), requiring all during each dental license renewal period, to complete education relative to effective pain management; identification of patients at high risk for substance abuse; and counseling patients about the side effects, addictive nature and proper storage and disposal of prescription medications.
- Licensee violated 234 CMR 8.02(7) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled.

--In the Matters of DEN-2012-0145 and DEN-2012-0172: Dr. Thomas Pasquerella

Discussion: Board reviewed Investigative Reports for both matters separately. It was established that both matters presented enough merit to join them.

Motion: To join DEN-2012-0145 and DEN-2012-0172

Motion Made By: Dr. John Hsu

Second: Ms. Ailish Wilkie

Board of Registration in Dentistry
General Session Minutes
May 1, 2013
Adopted by Board June 5, 2013

Vote: Unanimous

--In the Matters of DEN-2012-0145 and DEN-2012-0172: Dr. Thomas Pasquerella

Allegations: Inferior treatment and infection control violations

Discussion: Board reviewed Investigative Reports for both matters.
Licensee worked as an independent contractor one day a week in the practice of Dr. Farzad Hagayegi (DEN 2012-0174); Dr. Sharare Soleymani (DEN 2012-0144) is the Dental Director of this practice.

DEN 2012-0145: Board determined licensee failed to complete pain management course required for license renewal and that complaint was focused on financial dispute between Licensee and patient.

DEN-2012-0172 Based on compliance inspection. practice was found to be noncompliant with CDC Guidelines, including failure to conduct weekly spore testing.

Motion: To offer Stayed Probation for six months, to include the following Continuing Education:
Half Day: Risk Management
Full Day: Infection Control

Completion of Safe and Effective Opioid Prescribing for Chronic Pain required for license renewal cycle ending March 31, 2012 and which may be applied to the continuing education requirements for the license renewal cycle ending March 31, 2014

Motion Made By: Dr. John Hsu

Second: Ms. Ailish Wilkie

Vote: Unanimous

Justification:

DEN 2012-0145

- Licensee violated MGL 94C, Section 18(e), requiring all during each dental license renewal period, to complete education relative to effective pain management; identification of patients at high risk for substance abuse; and counseling patients about the side effects, addictive nature and proper storage and disposal of prescription medications

- Licensee violated 234 CMR 8.02(7) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled.

DEN-2012-0172

- 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 failure to conduct weekly spore tests in 2011 and 2012 on each steam sterilizer in the office.

- Licensee violated 234 CMR 5.16 and 6.14 by failing to have a complete and current Emergency Drug Kit and medicament required for the administration of local anesthesia. Said deficiencies include, but are not limited to, the failure to have current: Epinephrine Ampules; Antihypoglycemic, Bronchodilator and Vasopressor; and current Lidocaine and Mepivacaine; and failure to document annual office training in emergency protocols.

--In the Matters of DEN-2012-0144 and DEN-2012-0173: Dr. Sharare Soleymani

Discussion: Board reviewed Investigative Reports for both matters separately. It was established that both matters presented enough merit to join them.

Motion: **To join DEN-2012-0144 and DEN-2012-0173**

Motion Made By: Ms. Lois Sobel

Second: Dr. John Hsu

Vote: Unanimous

--In the Matters of DEN-2012-0144 and DEN-2012-0173: Dr. Sharare Soleymani

Allegations: Inferior treatment and infection control violations

Board of Registration in Dentistry
General Session Minutes
May 1, 2013
Adopted by Board June 5, 2013

Discussion: *Licensee is the Dental Director for the practice of Dr. Farzad Hagayegi (DEN 2012-0174)*

DEN-2012-0144: Board reviewed Investigative Report; complaint was made by the same patient as in DEN 2012-0145; Licensee had also treated patient; complaint focused on financial dispute

DEN 2012-0173 Based on compliance inspection, practice was found to be noncompliant with CDC Guidelines, including failure to conduct weekly spore testing

Motion: To offer Probation for six months, to include the following Continuing Education:

Full Day: Risk Management

Full Day: Infection Control

Completion of Safe and Effective Opioid Prescribing for Chronic Pain required for license renewal cycle ending March 31, 2012 and which may be applied to the continuing education requirements for the license renewal cycle ending March 31, 2014

Motion Made By: Dr. John Hsu

Second: Ms. Ailish Wilkie

Vote: Unanimous

Justification:

DEN-2012-0144

- Licensee violated MGL 94C, Section 18(e), requiring all during each dental license renewal period, to complete education relative to effective pain management; identification of patients at high risk for substance abuse; and counseling patients about the side effects, addictive nature and proper storage and disposal of prescription medications.
- Licensee violated 234 CMR 8.02(7) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled.

DEN 2012-0173

- 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 failure to conduct weekly spore tests in 2011 and 2012 on each steam sterilizer in the office.
- Licensee violated 234 CMR 5.16 and 6.14 by failing to have a complete and current Emergency Drug Kit and medicament required for the administration of local anesthesia. Said deficiencies include, but are not limited to, the failure to have current: Epinephrine Ampules; Antihypoglycemic, Bronchodilator and Vasopressor; and current Lidocaine and Mepivacaine; and failure to document annual office training in emergency protocols.

--In the Matter of DEN-2012-0175: Jacqueline Sleeper, RDH

Allegation:

Infection control violations

Discussion:

Licensee works in the practice of Dr. Farzad Hagayegi (DEN 2012-017). Based on compliance inspection, practice was found to be noncompliant with CDC Guidelines, including failure to conduct weekly spore testing.

Motion:

**To offer Stayed Probation for six months, to include the following Continuing Education:
Half Day: Risk Management**

Completion of course in Infection Control required for license renewal cycle ending March 2011.

Board of Registration in Dentistry
General Session Minutes
May 1, 2013
Adopted by Board June 5, 2013

Motion Made By: Dr. Milton Glicksman

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 failure to conduct weekly spore tests in 2011 and 2012 on each steam sterilizer in the office.
- Licensee violated 234 CMR 8.03(a) by failing to complete a continuing education course in infection control.
- Licensee violated 234 CMR 8.02(7) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled.

--In the Matter of DEN-2012-0176: Courtney Dynes, RDH

Allegation: Infection control violations

Discussion: *Licensee has worked part-time in the practice of Dr. Farzad Hagayegi (DEN 2012-0174) since 2010 to the present.*

Based on compliance inspection, practice was found to be noncompliant with CDC Guidelines, including failure to conduct weekly spore testing

Motion: **To dismiss the matter with an advisory letter regarding compliance with the Board's Regulation at 234 CMR 5.05 (1), Infection Control Practices.**

Motion Made By: Ms. Lois Sobel

Second: Dr. John Hsu

Vote: Unanimous

--In the Matter of DEN-2012-0177: Ileana Reyes, RDH

Allegation: Infection control violations

Discussion: *Licensee works in the practice of Dr. Farzad Hagayegi (DEN 2012-017)*
Based on compliance inspection, practice was found to be noncompliant with CDC Guidelines, including failure to conduct weekly spore testing.

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

Complete continuing education credits required for license renewal, including a course in infection control for the license renewal cycle ending March 31, 2011.

Motion Made By: Dr. Stephen DuLong

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 failure to conduct weekly spore tests in 2011 and 2012 on each steam sterilizer in the office.
- 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 8.02(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.

--In the Matter of SA-INV-2093: Dr. John Giordano

Allegations: Patient abandonment and business practice issues

Discussion: Board members reviewed the investigation report and determined there is insufficient evidence to open a complaint against this licensee.

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

Motion Made By: Dr. Milton Glicksman

Board of Registration in Dentistry
General Session Minutes
May 1, 2013
Adopted by Board June 5, 2013

Second: Ms. Ailish Wilkie

Vote: Unanimous

The following series of cases involve Licensees who work or who have worked in the dental practice owned by Dr. Cressida Joseph:

<u>Docket Number</u>	<u>Licensee</u>	<u>Status</u>
DEN 2012-0135	Dr. Cressida Joseph	Owner
DEN 2012-0128	Dr. Aidee Nieto-Herman	Worked PT-Fridays 1-4 PM from July 2008-October 2012
DEN 2012-0126	Dr. Jacqueline Jacobson	Endodontist; Works 2-3 Hours every 2-3 month-on average one hour per month
DEN 2012-0127	Dr. Edward Brown	Independent Contractor; Worked April 2009-June 2012. <i>Was not employed at time of inspection.</i>
DEN 2012-0129	Cuthbert Joseph, RDH	FT-January 2000-present
DEN 2012-0131	Maria Martin, RDH	Per Diem: January 20, 2012-July 2012; <i>Not employed at practice at time of inspection.</i>
DEN-2012-0133	Zara Asi Shirazi, RDH	Per Diem: 2002-July 2012. <i>Not in country at time of inspection and has not worked at practice since the inspection</i>
DEN-2012-0132	Wilson Casimir, RDH	Part-time; April 2012-present; works 2 days per week.
DEN 2012-0130	Melanie Sturup, RDH	Per Diem: January 2009-present

--In the Matter of DEN-2012-0135: Dr. Cressida Joseph

Allegation: Infection control and regulatory violation

Discussion: Board members reviewed the investigator's report and discussed the findings, with particular emphasis on infection control violations found during the compliance inspection.

Motion: To offer Suspension for thirty days to be followed by eleven months Probation and to include the following Continuing Education:

Full Day: Risk Management

Full Day: Infection Control

2 Hours: Ethics (may be taken online)

Board of Registration in Dentistry
General Session Minutes
May 1, 2013
Adopted by Board June 5, 2013

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

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 failure to conduct weekly spore tests of Tuttnauer Autoclave.
- Licensee violated 234 CMR 5.16 by failing to develop and maintain a written protocol for management of medical emergencies and to provide evidence of annual office training for staff in emergency protocols and failing to have the required equipment for the and current emergency drug kit.
- Licensee violated 234 CMR 6.15, administration of local anesthesia by failing to have the required equipment and medications for the administration of local anesthesia. Said deficiencies include the failure to have a Portable Cylinder E, Oxygen tank, alternative light source, Bronchodilator and Vasodilator.
- Licensee violated 234 CMR 8.00 by failing to document current certification in Basic Life Support
- Licensee violated 234 CMR 5.04 (1) by failing to post licenses for herself and staff

--In the Matter of DEN-2012-0128: Dr. Aidee Nieto-Herman

Allegations: Infection control and regulatory violations
Discussion: Board members noted that Licensee is a periodontist in the practice one afternoon per week and was employed there at time of inspection.
Motion: **To offer Stayed Probation for three months, and to include the following Continuing Education:**
Full Day: Risk Management
Full Day: Infection Control
Motion Made By: Dr. Milton Glicksman
Second: Dr. Stephen DuLong

Board of Registration in Dentistry
General Session Minutes
May 1, 2013
Adopted by Board June 5, 2013

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 failure to conduct weekly spore tests of Tuttnauer Autoclave.
- Licensee violated 234 CMR 6.15, administration of local anesthesia by failing to have the required equipment and medications for the administration of local anesthesia. Said deficiencies include the failure to have a Portable Cylinder E, Oxygen tank, alternative light source, Bronchodilator and Vasodilator.

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

Allegations: Infection control violations

Discussion: Board members noted that the required Infection Control course for renewal purposes was deficient. Licensee is part-time in the practice, but was employed at the time of inspection.

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

Motion Made By: Ms. Lois Sobel

Second: Dr. John Hsu

Vote: Unanimous

Board of Registration in Dentistry
General Session Minutes
May 1, 2013
Adopted by Board June 5, 2013

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 failure to conduct weekly spore tests of Tuttnauer Autoclave.
- Licensee violated 234 CMR 6.15, administration of local anesthesia by failing to have the required equipment and medications for the administration of local anesthesia. Said deficiencies include the failure to have a Portable Cylinder E, Oxygen tank, alternative light source, Bronchodilator and Vasodilator.
- Licensee violated 234 CMR 8.03(a) by failing to complete a continuing education course in infection control
- Licensee violated 234 CMR 8.02(7) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled.

--In the Matter of DEN-2012-0127: Dr. Edward Brown, Jr.

- Allegation:** Infection control and regulatory violations
- Discussion:** Board members noted that this Licensee was not employed in the practice at the time of inspection.
- Motion:** **To dismiss the matter without prejudice.**
- Motion Made By:** Dr. John Hsu
- Second:** Ms. Lois Sobel
- Vote:** Unanimous
- Justification:** Had left practice two months prior to inspection.

--In the Matter of DEN-2012-0133: Zara Azim Shirazi, RDH

- Allegations:** Infection control and regulatory violations
- Discussion:** Licensee was out of the country at time of inspection and has not worked in the practice since that time.
- Motion:** **To dismiss the matter without prejudice.**
- Motion Made By:** Dr. John Hsu
- Second:** Ms. Ailish Wilkie
- Vote:** Unanimous

Board of Registration in Dentistry
General Session Minutes
May 1, 2013
Adopted by Board June 5, 2013

Justification: Licensee was not in the US at time of inspection and has not worked at practice since the inspection

--In the Matter of DEN-2012-0132: Wilson Casimir, RDH

Allegation: Infection control and regulatory violations
Discussion: Licensee began employment at the practice in April 2012.
Motion: **To dismiss without prejudice.**
Motion Made By: Ms. Lois Sobel
Second: Dr. Stephen DuLong
Vote: Unanimous

--In the Matter of DEN-2012-0129: Cuthbert Joseph, RDH

Allegation: Infection control and regulatory violations
Discussion: Licensee is a full-time employee.
Motion: **To offer Probation for six months, to include the following Continuing Education:**
 Full Day: Risk Management
 Full Day: Infection Control
 2 Hours: Ethics (may be taken online)
Motion Made By: Dr. Milton Glicksman
Second: Dr. Stephen DuLong
Vote: Unanimous

Board of Registration in Dentistry
General Session Minutes
May 1, 2013
Adopted by Board June 5, 2013

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 failure to conduct weekly spore tests of Tuttnauer Autoclave.
- Licensee violated 234 CMR 5.16 by failing to develop and maintain a written protocol for management of medical emergencies and to provide evidence of annual office training for staff in emergency protocols and failing to have the required equipment for the and current emergency drug kit.
- Licensee violated 234 CMR 6.15, administration of local anesthesia by failing to have the required equipment and medications for the administration of local anesthesia. Said deficiencies include the failure to have a Portable Cylinder E, Oxygen tank, alternative light source, Bronchodilator and Vasodilator.

--In the Matter of DEN-2012-0131: Maria Martin, RDH

Allegation: Infection control and regulatory violations.

Discussion: Licensee was not employed at the practice on the date of inspection.

Motion: **To dismiss the matter without prejudice.**

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Vote: Unanimous

--In the Matter of DEN-2012-0130: Melanie Sturup, RDH

Allegation: Infection control and regulatory violations

Discussion: Licensee has been employed per diem since 2009 in this practice.

Motion: **To dismiss the matter without prejudice.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. John Hsu

Vote: Unanimous

--In the Matter of DEN-2013-0025: Donna Barrows, RDH

Board of Registration in Dentistry
General Session Minutes
May 1, 2013
Adopted by Board June 5, 2013

Allegation: Ms. Barrows practiced dental hygiene with an expired license from on or about March 31, 2007 until March 1, 2013.

Discussion: Board members reviewed the presented report.

Motion: **To Reprimand Licensee.**

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification:

- Licensee violated M.G. L. c. 112, §51 and 234 CMR 4.10 (2) & (4) Failure to Renew License to Practice Dental Hygiene from on or about March 2007 to February 2013.
- Licensee violated M. G. L. c. 112, §52 and 234 CMR 9.05 (6) Practice with an Expired Dental Hygiene License March 2007 to February 2013.

--In the Matter of DEN-2013-0026: Dr. Kenneth McPartland

Allegation: Dr. McPartland employed a dental hygienist who failed to renew her license by March 31, 2007 and practiced with an expired license.

Discussion: Board members reviewed the investigator's report.

Motion: **To dismiss the matter and send an advisory letter regarding his responsibility to ensure that all licensed practitioners in his office have current and valid licenses.**

Motion Made By: Dr. John Hsu

Second: Dr. Milton Glicksman

Vote: Unanimous

--In the Matter of DEN-2012-0001: Dr. Domenic Mazzocco

Allegation: Patient abandonment

Discussion: Board members reviewed photographs, the patient record, and the investigation report and determined there is insufficient evidence to sustain the allegation. A letter of dismissal was sent to the complainant.

Motion: **To dismiss the matter without prejudice.**

Motion Made By: Dr. Milton Glicksman

Board of Registration in Dentistry
General Session Minutes
May 1, 2013
Adopted by Board June 5, 2013

Second: Dr. Roderick Lewin

Vote: Unanimous

--In the Matter of DEN-2012-0064: Dr. William O'Donnell

Allegations: Patient abandonment/neglect, inferior treatment and fraud

Discussion: After review of the Investigation Report, the Board noted some record-keeping deficiencies and also noted that Licensee sent several warning letters to the complainant regarding excessive breakage of brackets or wires.

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

Motion Made By: Ms. Lois Sobel

Second: Dr. John Hsu

Vote: Unanimous

--In the Matter of SA-INV-3191: Dr. Femina Ali

Allegation: Inferior treatment

Discussion: Board members reviewed the presented report and determined there is insufficient evidence to open a complaint.

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

Motion Made By: Dr. Milton Glicksman

Second: Ms. Lois Sobel

Vote: Unanimous

--In the Matter of DEN-2011-0170: Dr. Russell Fox

Allegation: Inferior treatment

Discussion: Board members reviewed radiographs and the investigative report, and discussed this evidence in light of the standards of care for crown and bridge.

Board of Registration in Dentistry
General Session Minutes
May 1, 2013
Adopted by Board June 5, 2013

Motion: To offer Probation for two years, to include the following
Continuing Education:
Full Day: Risk Management
Full Day: Record Keeping
Full Day: Diagnosis and Treatment Planning for the
General Practitioner
Full Day: Crown and Bridge for the General
Practitioner

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Vote: Unanimous

Justification: ● Licensee violated 234 CMR 5.15 and 9.05 (14) by failing to perform and/or document the patient record. Said deficiencies include, but are not limited to the failure to: update the patient medical history; perform a comprehensive oral exam between on or about 1992 through on or about 2008; perform and/or document an oral cancer screening; document the justification for the endodontic therapy on teeth #'s 3, 20 and 24 and to expose radiographs to endodontic therapy on teeth #'s 3, 19, 20 and 24; expose per-operative radiographs for the extraction of teeth #'s 15 and 19; document any clinical findings on all prophylaxis and periodic exam appointments; and on June 28, 2008, failed to document description of periodontal condition; PSR/periodontal probing of tooth #19 abscess.

--In the Matter of DEN-2012-0191: Dr. Sarat Ummethala

Allegation: Failure to diagnose caries

Discussion: Board members reviewed multiple radiographs and a photograph, as well as the patient record.

Motion: To offer Probation for six months, to include the following
Continuing Education Credits:
Full Day: Risk Management
Full Day: Record Keeping
Full Day: Diagnosis and Treatment Planning for the
General Practitioner
Full Day: Restorative Dentistry

Motion Made By: Dr. Milton Glicksman

Second: Dr. Stephen DuLong

Board of Registration in Dentistry
General Session Minutes
May 1, 2013
Adopted by Board June 5, 2013

Vote: Unanimous

Justification:

- Licensee violated 234 CM 9 9.05 (14) when she failed diagnose caries on tooth #2.
- Licensee violated 234 CMR 5.15, recordkeeping, where she billed patient for a comprehensive oral exam but failed to perform and/or document periodontal charting and hard tissue charting or existing teeth and restorations.

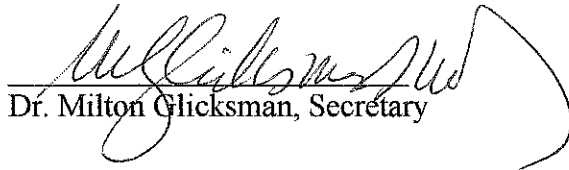
Motion: To adjourn the meeting, at 1:15 p.m.

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Vote: Unanimous

Respectfully submitted,


Dr. Milton Glicksman, Secretary

Date: 10/9/13