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COMMONWEALTH OF MASSACHUSETTS

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

November 2, 2016
239 Causeway Street ~ Room 417 A&B
Boston, Massachusetts 02114

AGENDA

Time	#	Item	Exhibits	Contact
8:30 a.m.	I	CALL TO ORDER, DETERMINATION OF QUORUM, AND APPROVAL OF AGENDA		
8:32	II	M.G.L.c.112, §65C SESSION (closed to the public)		
8:45	III	EXECUTIVE SESSION (closed to the public) The Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, § 21(a)(1) for the purposes of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against an individual. Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients. Specifically, the Board will discuss and evaluate the Good Moral Character of applicants for licensure and reactivation of licensure. Specifically, the Board will discuss and evaluate the physical condition or mental health, rather than professional competence, of a licensee on Probation. (CONTINUED ON NEXT PAGE)		

Board of Registration in Dentistry
General Session Agenda & Minutes
November 2, 2016
(Approved by the Board on December 7, 2016)

10:45	IV	COMPLAINT RESOLUTION—PENDING BOARD MATTERS <ol style="list-style-type: none"> DEN-2014-0107: Dr. Zaher Hammoud DEN-2014-0108: Dr. Christina Woo DEN-2014-0109: Dr. Dhafar Witwit DEN-2014-0110: Alison Cheon, RDH DEN-2014-0111: Ernestina Dacosta, RDH DEN-2014-0112: Dr. Richard Liu DEN-2016-0009: Carrissa Hess, RDH DEN-2016-0010: Dr. Geoffrey Davis DEN-2015-0106: Dr. Lihua Zhang DEN-2015-0107: Mariya Shcherba, RDH DEN-2015-0108: Phuoc-Tien Huynh Phan, RDH DEN-2015-0109: Tracy Liu Li, RDH DEN-2015-0059: Dr. Many Jane Miranda DEN-2015-0060: Dr. Damon Anderson DEN-2015-0061: Dr. Jyotika Dhawan DEN-2015-0062: Dr. Neil Blitz DEN-2015-0063: Karina Carvalho, RDH DEN-2015-0064: Vania Brewda, RDH DEN-2015-0065: Shawndra Calle, RDH DEN-2015-0066: Crystal Young, RDH DEN-2015-0067: Miryam Mendes, RDH DEN-2015-0068: Erin LeFrancois, RDH DEN-2015-0069: Nicole Owsney, RDH DEN-2015-0070: Stephanie Dart, RDH 	Investigation Reports	E. Mulligan, D. Taylor, S. Millar
11:30	V	ADMINISTRATIVE MATTERS <ol style="list-style-type: none"> Nominations for Board Chair and Secretary for 2017 Application for DH Reactivation—Ms. Patricia Choi Review of Minutes of October 5, 2016 General Session Review of Minutes and Recommendations of October 5, 2016 Complaint Committee General Session 	Memo, Application, Draft Minutes	B. Young
11:45	VI	PROBATION MATTERS <ol style="list-style-type: none"> Petition for Reinstatement of Licensure: DEN-2013-0200, DEN-2015-0016, & DEN-2015-0053: Dr. Richard Blasé Notices of Violation <ol style="list-style-type: none"> DEN-2014-0058: Dr. Paul Freedman DEN-2015-0031 & DEN-2015-0085: Dr. Robert Kelly Monthly Probation Monitor Report 	Petition, Memos, Report	K. Fishman
12:00	VII	ADMINISTRATIVE MATTERS <ol style="list-style-type: none"> Proposed Modification of Compliance Inspection Form Proposed Advisory Ruling on Limited Licensee Scope of Practice Proposed Modification of Consent Agreements for Reprimand and Stayed Probation Good Moral Character Licensure Report Request from Dr. Joseph Sanchez re: Scope of Practice Online Orthodontic Services 	Memos, Report, Letters	S. Leadholm, B. Young
12:25	VIII	FLEX SESSION		

12:30		ADJOURNMENT		
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MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417
GENERAL SESSION MINUTES
November 2, 2016

Present: Dr. Stephen DuLong, Board Chair; Ms. Ailish Wilkie, Board Secretary; Dr. Paul Levy; Ms. Lois Sobel, RDH; Dr. Patricia Wu; Ms. Jacyn Stultz, RDH; Dr. Cynthia Stevens; Ms. Kathleen Held; Dr. Ward Cromer; Dr. John Hsu

Absent: Dr. Keith Batchelder

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

Dr. Keith Batchelder arrived for the meeting at 8:35 a.m., addressed the Board members for a few minutes then left the meeting for the day.

Dr. John Hsu arrived for the meeting at 8:35 a.m.

Motion: At 8:31 a.m., to commence the meeting and to adopt the proposed agenda for today's meeting.

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Lois Sobel

Vote: Unanimous

At 8:31 a.m., Dr. DuLong announced that the Board will enter an M.G.L. c.112, §65C Session then return to an open session.

Motion: At 8:33 a.m., to enter a M.G.L. c.112, §65C Session

Motion Made By: Ms. Lois Sobel

Second: Ms. Kathleen Held

Vote: **In Favor:** Dr. Paul Levy; Dr. Patricia Wu; Dr. Cynthia Stevens; Ms. Lois Sobel; Dr. Stephen DuLong; Ms. Jacyn Stultz; Ms. Kathleen Held; Dr. Ward Cromer; Ms. Ailish Wilkie

Opposed: None
Abstain: None

At 8:43 a.m., Dr. DuLong announced that the Board will meet in closed session as authorized pursuant to M.G.L. c. 30A, §21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. Specifically, the Board will meet in Executive Session and will discuss and evaluate the Good Moral Character as required for registration of pending applicant(s) for licensure. Additionally, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients. Executive Session is closed to members of the public, except as provided for in M.G.L. c. 30A, §21(a) (1). At the conclusion of the Executive Session, the Board will return to an open session before adjourning the meeting for the day.

Motion: At 8:44 a.m., to enter Executive Session pursuant to M.G.L. c. 30A, §21(a)(1)

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Lois Sobel

Vote: **In Favor:** Dr. Paul Levy; Dr. Patricia Wu; Dr. Cynthia Stevens;
Ms. Lois Sobel; Dr. Stephen DuLong; Ms. Jacyn Stultz;
Ms. Kathleen Held; Dr. Ward Cromer; Ms. Ailish Wilkie;
Dr. John Hsu
Opposed: None
Abstain: None

Complaint Resolution – Investigator Eileen Mulligan

--In the Matter of DEN-2014-0107: Dr. Zaher Hammoud

Ms. Kathleen Held recused herself from the discussion and vote of the Board on complaint DEN-2014-0107: Dr. Zaher Hammoud.

Vincent Dunn, Esq. was present on behalf of the licensee for the discussion and vote of the Board on this matter. Atty. Dunn recorded the hearing.

Allegation(s): Regulatory Violations (Infection Control Violations)

Discussion: Ms. Mulligan informed the Board an unannounced compliance inspection of the licensee's dental office in Quincy, MA in October 2014. Ms. Mulligan noted several infection control violations were discovered during the inspection such as incomplete spore testing logs noting the inspectors asked for logs from the previous three months but the licensee provided records that went back much earlier.

Dr. DuLong asked if a hygienist indicated the hygiene hand pieces were only wiped down after each patient; Ms. Mulligan replied that is what one of the hygienists initially reported but that hygienist later retracted that statement. Ms. O'Connell stated it is routine practice for the investigators to ask the hygienists on staff how many hand pieces they have for daily use. But Atty. Dunn stated that the investigators were informed by himself through Atty. Leadholm noted to interview the licensee's staff and proceeded to do so. Atty. Dunn stated there are numerous errors in the investigative reports produced by Ms. Mulligan and claimed those errors have impaired his ability to defend the licensee.

Dr. Levy asked how many hand pieces were available to the hygienists; Ms. O'Connell replied three noting there were six units and two hygienists employed by the licensee. But Atty. Dunn stated the allegations levied against the licensee are wrong.

Ms. Stultz noted the Board's standard resolution for infection control violations is to offer licensees a consent agreement for probation.

1st Motion: To offer a Consent Agreement for Probation for 6 Months to include the following remedial coursework:

- 3 Hours: Infection Control

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Ms. Jacyn Stultz

Second: Ms. Ailish Wilkie

Vote: (None taken)

2nd Motion: To join DEN-2014-0107 to DEN-2014-0113 and DEN-2014-0119

Motion Made By: Ms. Jacyn Stultz
Second: Ms. Ailish Wilkie
Vote: **In Favor:** Dr. Paul Levy; Dr. Patricia Wu; Dr. Cynthia Stevens;
Ms. Lois Sobel; Dr. Stephen DuLong; Ms. Jacyn Stultz;
Dr. John Hsu; Dr. Ward Cromer; Ms. Ailish Wilkie
Opposed: None
Abstain: None

Complaint Resolution – Investigator Eileen Mulligan

--In the Matter of DEN-2014-0108: Dr. Christina Woo

Dr. Stephen DuLong and Ms. Kathleen Held recused themselves from the discussion and vote of the Board on complaint DEN-2014-0108: Dr. Christina Woo.

Thomas Bright, Esq. was present on behalf of the licensee for the discussion and vote of the Board on this matter. Atty. Bright recorded the hearing.

Allegation(s): Regulatory Violations (Infection Control Violations)
Discussion: Ms. Mulligan informed the Board this licensee was employed by Dr. Hammoud as an associate dentist from July 2014 to Sept. 2015 and the licensee had only worked for Dr. Hammoud for nine weeks before the inspection was completed.
Motion: **To dismiss the complaint with an advisory letter on the infection control regulations.**
Motion Made By: Dr. Paul Levy
Second: Dr. Patricia Wu
Vote: **In Favor:** Dr. Paul Levy; Dr. Patricia Wu; Dr. Cynthia Stevens;
Ms. Lois Sobel; Ms. Jacyn Stultz; Dr. John Hsu;
Dr. Ward Cromer; Ms. Ailish Wilkie
Opposed: None
Abstain: None

Complaint Resolution – Investigator Eileen Mulligan

--In the Matter of DEN-2014-0109: Dr. Dhafan Witwit

The licensee and Thomas Bright, Esq. were present on behalf of the licensee for the discussion and vote of the Board on this matter. Atty. Bright recorded the hearing.

Allegation(s): Regulatory Violations (Infection Control Violations)

Discussion: Ms. Mulligan informed the Board this licensee was employed by Dr. Hammoud as a part-time, associate dentist from Sept. 2014 and the licensee had only worked for Dr. Hammoud for three weeks before the inspection was completed.

Motion: **To dismiss the complaint**

Motion Made By: Dr. Paul Levy

Second: Ms. Lois Sobel

Vote: **In Favor:** Dr. Cynthia Stevens; Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer; Ms. Ailish Wilkie; Dr. Stephen DuLong; Ms. Jacyn Stultz; Ms. Lois Sobel
Opposed: None
Abstain: Ms. Kathleen Held; Dr. John Hsu

Complaint Resolution – Investigator Eileen Mulligan

--In the Matter of DEN-2014-0112: Dr. Richard Liu

Dr. John Hsu recused himself from the discussion and vote of the Board on complaint DEN-2014-0112: Dr. Richard Liu.

The licensee and Thomas Bright, Esq. were present on behalf of the licensee for the discussion and vote of the Board on this matter. Atty. Bright recorded the hearing.

Allegation(s): Regulatory Violations (Infection Control Violations)

Discussion: Ms. Mulligan informed the Board this licensee was employed by Dr. Hammoud as an associate dentist from August 2014 until February 2015.

Motion: **To dismiss the complaint**

Motion Made By: Dr. Paul Levy

Second: Dr. Patricia Wu

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

Complaint Resolution – Investigator Eileen Mulligan

--In the Matter of DEN-2014-0110: Alison Cheon, RDH

Thomas Bright, Esq. was present on behalf of the licensee for the discussion and vote of the Board on this matter. Atty. Bright recorded the hearing.

Allegation(s): Regulatory Violations (Infection Control Violations)

Discussion: Ms. Mulligan informed the Board this licensee was employed by Dr. Hammoud as a hygienist from July 2014 until September 2015.

Motion: **To dismiss the complaint with an advisory letter on the infection control regulations.**

Motion Made By: Ms. Lois Sobel

Second: Dr. Paul Levy

Vote: **In Favor:** Dr. Cynthia Stevens; Ms. Kathleen Held;
Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer;
Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong;
Ms. Jacyn Stultz; Ms. Lois Sobel
Opposed: None
Abstain: None

Complaint Resolution – Investigator Eileen Mulligan

--In the Matter of DEN-2014-0111: Ernestine Dacosta, RDH

Thomas Bright, Esq. was present on behalf of the licensee for the discussion and vote of the Board on this matter. Atty. Bright recorded the hearing.

Allegation(s): Regulatory Violations (Infection Control Violations)

- Discussion:** Ms. Mulligan informed the Board this licensee was employed by Dr. Hammoud as a hygienist from November 2013 until April 2015.
- Motion:** **To dismiss the complaint with an advisory letter on the infection control regulations.**
- Motion Made By:** Ms. Ailish Wilkie
- Second:** Dr. Paul Levy
- Vote:** **In Favor:** Dr. Cynthia Stevens; Ms. Kathleen Held;
Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer;
Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong;
Ms. Jacyn Stultz; Ms. Lois Sobel
Opposed: None
Abstain: None

Application for Reactivation of an Expired Dental Hygiene License – Executive Director Barbara A. Young, RDH

--In the Matter of Tricia L. Choi, DH12186

The licensee was present for the discussion and vote of the Board on this matter answering all questions as appropriate.

- Discussion:** Ms. Young informed the Board it received an application to reactivate an expired dental hygiene license from the licensee. Ms. Young stated the licensee has kept up with the required CEUs since her license expired in March 2015 but that the licensee indicated she has not actively practiced dental hygiene since 2003.

The licensee stated she had moved and neglected to update her address with the Board so she missed the renewal notice that was sent in early 2015. Ms. Stultz asked the licensee if she's kept up with her CEUs; the licensee replied she has. Ms. Stultz asked the licensee if she's taken a hygiene refresher course; the licensee replied she did in the past. Ms. Stultz asked the licensee if she's taken any refresher courses on instrumentation; the licensee replied she did after 2003 but did not provide proof of that with her reactivation application..

- Motion:** **To approve the application for reactivation of an expired Dental Hygiene License: Tricia L. Choi, DH12186**

Motion Made By: Dr. Paul Levy

Second: Dr. Patricia Wu

Vote: **In Favor:** Dr. Cynthia Stevens; Ms. Kathleen Held;
Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer;
Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong;
Ms. Jacyn Stultz; Ms. Lois Sobel
Opposed: None
Abstain: None

Request for Expanding Permissible Scope of Services – Executive Director Barbara A. Young, RDH

--In the Matter of Dr. Joseph Sanchez

The licensee was present for the discussion and vote of the Board on this matter answering all questions as appropriate.

Discussion: Ms. Young informed the Board it had received three letters from the licensee seeking to expand his current list of permissible services to include prophylaxis, simple extractions, topical fluoride applications and anterior/posterior composite restorations.

Dr. DuLong stated he has a problem with expanding the licensee's list of permissible services to include extractions as the licensee states he will not take pre-operative or post-operative radiographs. The licensee replied that is correct but he is working with a company to provide radiographs as necessary to his patients but the licensee asked what if he is unable to take radiographs. Dr. Hsu questioned the licensee if he was serious; the licensee replied he was noting he has extracted more than 12,000 teeth on patients without radiographs. Dr. Hsu opined it is more complicated to extract a tooth without radiographs than it is to take radiographs but the licensee disagreed.

Dr. DuLong noted the Board cannot establish a separate standard of care for the licensee. Ms. Young noted the licensee had previously informed the Board he did not use a high-speed hand piece and does not use an autoclave and questioned how the licensee could do restorative work. But the licensee replied former Board member Dr. Samuels had commended him for working with such a difficult patient population. Dr. Hsu informed the licensee he must use a portable unit but the licensee replied the company he's working with will provide the necessary services. Atty. Leadholm advised the licensee this company will need to secure its own portable/mobile permit noting this company has yet to submit a permit application so the Board can only work with the licensee at this point.

The licensee asked if it was acceptable for him to use a spoon excavator, rather than a hand piece, to remove the vast majority of decay before placing a composite restoration; the Board generally agreed this was not acceptable.

Motion: **To approve the addition of prophylaxis and topical fluoride applications only to the licensee's scope of permissible services.**

Motion Made By: Dr. Paul Levy

Second: Ms. Jacyn Stultz

Vote: **In Favor:** Dr. Cynthia Stevens; Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer; Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong; Ms. Jacyn Stultz; Ms. Lois Sobel
Opposed: None
Abstain: Ms. Kathleen Held

Administrative Matters:

A. Nominations for Board Chair and Board Secretary

Ms. Jacyn Stultz nominates herself for Board Chair.

Dr. John Hsu nominates Dr. Paul Levy for Board Chair but Dr. Levy declined the nomination.

Ms. Ailish Wilkie nominates Dr. Stephen DuLong for Board Chair.

Ms. Jacyn Stultz nominates Ms. Ailish Wilkie for Board Secretary.

Dr. Paul Levy nominates Dr. Patricia Wu for Board Secretary but Dr. Wu declined the nomination.

Ms. Young advised the Board elections will be held at the December 2016 Board meeting and the candidates are:

- | | | |
|----|-----------------|--|
| 1. | Board Chair | Ms. Jacyn Stultz
Dr. Stephen DuLong |
| 2. | Board Secretary | Ms. Ailish Wilkie |

B. Review of the General Session Minutes of Prior Complaint Committee Meetings:

1. October 5, 2016

Motion: To approve the General Session Minutes of the October 5, 2016, Complaint Committee meeting

Motion Made By: Ms. Jacyn Stultz

Second: Dr. Paul Levy

Vote: **In Favor:** Ms. Jacyn Stultz; Dr. Paul Levy
Opposed: None
Abstain: None

Motion: To adopt the recommendations of the October 5, 2016, Complaint Committee

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Vote: **In Favor:** Dr. Cynthia Stevens; Ms. Kathleen Held;
Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer;
Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong;
Ms. Jacyn Stultz; Ms. Lois Sobel
Opposed: None
Abstain: None

Request for Reinstatement – Probation Monitor Karen Fishman

--In the Matter of DEN-2013-0200 et al: Dr. Richard M. Blasé, DN17007

Ms. Fishman informed the Board the licensee is seeking to have his license reinstated pursuant to the terms of his Consent Agreement for Voluntary Surrender. Ms. Fishman reported the licensee was eligible to have his license reinstated effective Sept. 30, 2016, and is seeking reinstatement so he may return to active practice. Atty. Leadholm asked if the licensee has complied with the terms of his consent agreement; Ms. Fishman replied that he has.

Investigator Barbara Yates reported a scheduled inspection of the licensee's office was completed per the terms of the consent agreement and that the licensee has revamped his office and procedures/protocols for such things as infection control/weekly spore testing. Ms. Yates reported the licensee submitted 5 weeks of spore test results and everything was fine. Also, Ms. Yates reported the licensee is seeking to replace his portable oxygen tank and any expired medicaments in his emergency drug kit but the licensee has surrendered his DEA registration so once his license is reinstated, the licensee can re-apply for a DEA registration. Ms. Yates also stated the licensee has updated his radiation control certificate and has hired a consultant to assist him with maintaining his practice. However Ms. Yates stated the licensee indicated the consultant has been to his practice location twice but the consultant informed Ms. Yates she's never been to the licensee's office. Atty. Leadholm asked if the consent agreement requires the licensee to retain a consultant; Ms. Yates replied it does not.

Dr. DuLong asked Ms. Fishman if she had a recommendation for the Board; Ms. Fishman replied she does not and prefers to defer the decision to reinstate to the Board. However Atty. Leadholm stated the Board needs the expertise of Ms. Fishman and Ms. Yates to make that determination and asked each for their conclusions. Ms. Fishman and Ms. Yates replied the licensee is in compliance with the terms of his consent agreement.

Motion: **To reinstate the licensee's dental license upon evidence of the successful completion of the remaining items that need corrective action**

Motion Made By: Ms. Ailish Wilkie

Second: None

Discussion (cont'd): Atty. Leadholm advised the Board it can move to reinstate the licensee's dental license or not and Ms. Yates can reach out to the licensee to see if he's completed the corrective action requirements.

Motion: **To reinstate the licensee's dental license**

Motion Made By: Dr. John Hsu

Second; Dr. Paul Levy

Vote: **In Favor:** Dr. Cynthia Stevens; Ms. Kathleen Held;
Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer;
Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong;
Ms. Jacyn Stultz; Ms. Lois Sobel
Opposed: None
Abstain: None

Given the lateness of the hour, Dr. DuLong announced the remaining items on the Board's General Session agenda will be deferred to the next Board meeting on Wednesday, December 7, 2016.

Motion: **At 12:40 p.m. to adjourn the meeting for the day**

Motion Made By: Dr. Paul Levy

Second: Dr. Cynthia Stevens

Vote: **In Favor:** Dr. Cynthia Stevens; Ms. Kathleen Held;
Dr. Patricia Wu; Dr. Paul Levy; Dr. Ward Cromer;
Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong;
Ms. Jacyn Stultz; Ms. Lois Sobel
Opposed: None
Abstain: None

Respectfully submitted,

Ms. Ailish Wilkie, Board Secretary

Date