Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Public Health

Bureau of Health Professions Licensure

Board of Registration in Dentistry

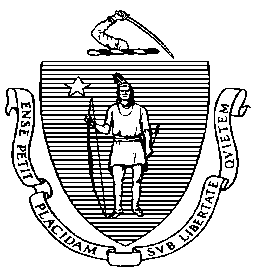
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September 1, 2021

MARYLOU SUDDERS

Secretary

MARGRET R. COOKE

Acting Commissioner

CHARLES D. BAKER

Governor

KARYN E. POLITO

Lieutenant Governor

Via WebEx from 239 Causeway Street

# Boston, Massachusetts 02114

# **AGENDA**

If you need reasonable accommodations in order to participate in the meeting, contact the DPH ADA Coordinator Yulanda Kiner, Phone: 617-624-5848 in advance of the meeting. While the Board will do its best to accommodate you, certain accommodations may require distinctive requests or the hiring of outside contractors and may not be available if requested immediately before the meeting.

General Session is open to the public and may be viewed and/or heard via WebEx.

**WebEx Information:** If at all possible, please call the Board at (617) 973-0970 at least 24 hours before the meeting to request an email invitation to attend this meeting by video conference. The invitation will contain a direct link to the meeting.

https://statema.webex.com/statema/j.php?MTID=mbd4e7668e492ccfef07fcbcd256fce2b

Call-in number for audio-only attendance: 1- (866) 692-3580 (toll free) only if you have no access to video conference.

Access Code: 161 349 0057 Attendee ID: #

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| --- | --- | --- | --- | --- |
| Time | # | Item | Exhibits | Contact |
| 8:30 a.m. | **I** | **CALL TO ORDER, DETERMINATION OF QUORUM, AND** APPROVAL OF AGENDA |  |  |
| 8:38  am | **II** | **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 the Good Moral Character of an applicant for licensure.  Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve the physical condition of a licensee. |  |  |
| 9:27  am | **III** | M.G.L.c.112, §65C SESSION (closed to the public) |  |  |
| 11:57  am | **IV** | ADJUDICATORY SESSION (closed to the public) |  |  |
| 9:30  Am | **V** | ADMINISTRATIVE MATTERS  1. Proposed Radiation Health and Safety Course 2. Introduction to Dr. Meredith Bailey, President of Mass Dental Society 3. Yankee Dental Society 4. 234 CMR 6.00, 7.00, 2.00, 5.00 Changes 5. Complaint Committees 6. DPH, COVID and Vaccine Instructions 7. Review of General Session Complaint Committee Minutes,   June 2, 2021   1. Review of BORID Meeting General Session Minutes, June 2, 2021 | Press Release, Proposal, Attachments, Reports,  Draft Minutes | M Paul  B Young |
| 9:42  Am | **VI** | PROBATION MATTERS  1. Review of Compliance—Failure to Take Ethics & Jurisprudence Exam 2. Alexis Volcy, RDA 3. Shannon Sweeney, RDA 4. Proposed Staff Action Authority 5. Monthly Probation Report | Memo, Attachments, Report | C Fishman |
| 10:29am | **VII** | COMPLAINT RESOLUTION: PENDING BOARD MATTERS  1. DEN-2021-0020: Madeline Kady, RDA 2. DEN-2019-0199: Anamaria Ramirez, RDA 3. DEN-2019-0220: Dr. Syed Faheem Rasool 4. DEN-2019-0203: Zhanna Hrytskevich, RDA 5. DEN-2019-0219: Dr. Joytika Tucker 6. DEN-2019-0187: Raquel Perry, RDA 7. DEN-2019-0044: Dr. Steven Goguen 8. DEN-2019-0045: Sandra Vaillancourt, RDH 9. DEN-2019-0046, Ashley Shadd, RDH 10. DEN-2021-0024: Karen Caraco, RDH 11. DEN-2021-0023: Christine Berman, RDH 12. DEN-2021-0008: Doris Myers, RDA 13. DEN-2019-0018: Dr. Richard LaFauci 14. DEN-2019-0041: Natalia M. Angeles, RDA 15. DEN-2018-0099: Tanisha G. Brooms, RDA 16. DEN-2018-0097: Erica Cetina, RDA 17. DEN-2019-0158: Dr. Brian T. Schmid | Investigation Reports, Memos, Attachments | K O’Connell,  E. Mulligan,  R. Heard |
| 11:49 p.m. | **VIII** | **FLEX SESSION** |  |  |
| 12:04 |  | **ADJOURNMENT** |  |  |

**MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY**

**239 Causeway Street, Boston, MA 02114**

**Room 417**

**GENERAL SESSION MINUTES**

**September 1, 2021**

**Present:**  Dr. Michael Scialabba, Board Chair; Dr. Thomas Trowbridge, Board Secretary; Dr. Stephen DuLong; Dr. Patricia Wu (joined at 8:54 a.m.); Dr. Richard T. Miller, Dr. Seema Jacob; Ms. Jacyn Stultz, RDH; Ms. Stacy Haluch, RDH

**Absent:** Ms. Ailish Wilkie

**Board Staff Present:** Jeffrey Mills, Asst. Executive Director; Samuel Leadholm, Esq., Board Counsel; Marine Jardonnet, Esq., Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; OPP Investigators Kathleen O’Connell, Sarah Milar, Rhonda Heard, Jaris Bueno, and Eileen Mulligan; Probation Department Coordinator Karen Fishman; Erin Dickerson, Contract Paralegal.

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| **Motion:** | **At 8:39 a.m., to adopt the proposed agenda for today’s meeting** |
| **Motion Made By:** | Dr. Michael Scialabba |
| **Second:** | Dr. Stephen DuLong |
| **Vote:**  **Absent:** | Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  Dr. Patricia Wu |

*At 8:40 a.m., Dr. Scialabba announced that the Board will meet in a closed session, then a closed M.G.L. c. 112, s. 65C session and then a closed Adjudicatory Session as authorized 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 first 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 the treatment of patients. The 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 s. 65C Session and the Adjudicatory Session, the Board will return to its General Session before adjourning the meeting for the day.*

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| **Motion:** | **At 8:40 a.m., to enter an Executive Session pursuant to**  **M.G.L. c. 30A, §21(a)(1)** |
| **Motion Made By:** | Dr. Steven DuLong |
| **Second:** | Dr. Richard T. Miller |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None |

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| **Motion:** | **At 9:27 a.m., to enter a M.G.L. c. 112, §65C Session** |
| **Motion Made By:** | Ms. Jacyn Stultz |
| **Second:** | Dr. Stephen DuLong |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None |

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| **Motion:** | **At 11:57 a.m., to enter the Adjudicatory Session** |
| **Motion Made By:** | Dr. Thomas Trowbridge |
| **Second:** | Dr. Michael Scialabba |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None |

*The Board took its morning recess at 10:24 a.m. and resumed its meeting at 10:30 a.m.*

**Administrative Matters:**

**1. Proposed Radiation Health and Safety Course—Mount Wachusett Community College**

Ms. Jacyn Stultz stated that the objectives of the Mount Wachusett course and the BU course seem to be the same. The lecture time of the Mount Wachusett course is doubled, and both require passing an exam, but Mt. Wachusett doesn’t state was a passing score is. Ms. Stultz stated she has concerns about what the contingency is if students don’t pass the exam.

Dr. Scialabba stated that he has no problem if the lecture portion is longer, and that it would be useful if Mount Wachusett should define the passing score. Dr. Trowbridge was concerned that a lot of the course seemed to be rooted in conventional, rather than digital, film. Ms. Stultz informed the Board that CODA states that the course needs to teach both, and students need to expose a full mouth series to complete the course. Dr. Wu asked if the objectives reflect conventional and digital, or if they specify digital at all. Dr. Trowbridge clarified that they are separate objectives on the list. Ms. Stultz stated that she is comfortable with the course moving forward, as it appears they are teaching what CODA requires. Board Counsel Leadholm pointed out that the Board’s role is to decide whether this course meets the requirements for initial licensure as a dental assistant.

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| **Motion:** | **To accept the proposed Radiation Health and Safety Course as meeting the requirement for dental radiography for initial dental assistant licensure.** |
| **Motion Made By:** | Ms. Jacyn Stultz |
| **Second:** | Dr. Patricia Wu |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**2. Introduction of Meredith Bailey, DMD, President of Mass Dental Society**

Kevin Montero, Executive Director of the Mass Dental Society, addressed the Board and introduced the Mass Dental Society’s new President, Dr. Meredith Bailey. Dr. Bailey spoke briefly.

**3. Request for Volunteers for Yankee Dental Conference 2022**

Mr. Mills asked for volunteers to take part in the Board’s presentations at the Yankee Dental Conference 2022. Ms. Stultz, Ms. Haluch, and Dr. Miller volunteered for the presentation specifically targeted to dental assistants. Dr. Trowbridge, Dr. Miller, and Ms. Haluch volunteered for the general presentation

**4. Public Hearing on Proposed 234 CMR 2.00, 5.00, 6.00 and 7.00.**

Board Counsel Leadholm informed the Board of the upcoming moderated public hearing on October 5, 2021, at 1:00 p.m. An operator from Verizon will moderate the call. Notice will be going up three weeks prior to the hearing on the Mass.gov website and published in the Mass Register. This is the first hearing for the proposed regulations at 6.00 and 7.00 (anesthesia and mobile/portable dentistry, respectively), second hearing for 2.00 (definitions), and third hearing for 5.00 (the practice of dentistry, dental hygiene, and dental assisting in the Commonwealth). Changes by DPH and Administration and Finance have necessitated the additional hearings on some of the sections.

**5. Volunteers for Complaint Committees**

Mr. Mills asked for volunteers for upcoming complaint committees. Ms. Stultz and Dr. DuLong volunteered for the October 6th complaint committee, Ms. Haluch volunteered for the October 20th complaint committee, and Dr. Miller and Dr. Trowbridge volunteered for the November 3rd complaint committee.

**5. DPH, COVID and vaccine instruction**

This document was distributed as informational for Board members.

**6. Review of the General Session Minutes of the Board Meeting on June 2, 2021**

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| **Motion:** | **To approve the General Session Minutes of June 2, 2021.** |
| **Motion Made By:** | Dr. Stephen DuLong |
| **Second:** | Dr. Thomas Trowbridge |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None |

**7. Review of the General Session Minutes of the Board Meeting on July 7, 2021**

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| **Motion:** | **To approve the General Session Minutes of July 7, 2021.** |
| **Motion Made By:** | Dr. Stephen DuLong |
| **Second:** | Ms. Stacy Haluch |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None |

**Probation Matters:**

**1. Review of Compliance – Probation Dept. Coordinator Karen Fishman**

**--In the Matter of DEN-2018-0091: Alexis Volcy, RDA**

*The licensee was not present for the discussion and vote of the Board on this matter.*

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| **Materials Reviewed:** | Summary of probation compliance with attachments |
| **Discussion:** | Ms. Fishman informed the Board this matter came before the Board on July 7, 2021, which was a notice of violation: discipline not warranted for not taking the jurisprudence exam. The licensee entered into agreement February 5, 2021. Jurisprudence exam was due within thirty days after the agreement was signed. Licensee’s earliest release date was August 5, 2021 with completed ethics course (4 CEUs). Licensee has not completed any of these. Board issued notice of violation, notice was returned for lack of address. Attorney Leadholm emailed and re-sent notice via email. Ms. Fishman left the licensee a voicemail on August 24. Notice was re-sent via certified mail, and USPS states notice was delivered. Licensee still has not responded. Licensee has not completed any term or condition of agreement and appears to still work as a dental assistant. Recommended action is to find licensee in violation, lift the stay, and place license on probation, terms and conditions to remain the same except notification of other jursidictions. |
| **Motion:** | **To find the licensee in violation of the terms of her stayed probation and to place licensee on probation** |
| **Motion Made By:** | Ms. Stacy Haluch |
| **Second:** | Dr. Stephen DuLong |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**2. Review of Compliance – Probation Dept. Coordinator Karen Fishman**

**--In the Matter of DEN-2019-0229: Shannon Sweeney, RDA**

*The licensee was not present for the discussion and vote of the Board on this matter.*

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| **Materials Reviewed:** | Summary of probation compliance with attachments |
| **Discussion:** | Ms. Fishman informed the Board this matter is a consent agreement for probation from April 2, 2021, subject to agreement until October 2, 2021. The licensee has not submitted their dental ethics jurisprudence, nor notified jurisdiction. Both items were due within 30 days. Licensee was given notice with opportunity to cure. Ms. Fishman sent an email to licensee on July 20, and left a voicemail on July 30. Ms. Fishman has received no response. According to paragraph 5 of the agreement, the Board may take further disciplinary action against the licensee (for not completing the jurisprudence exam or completing jurisdiction notification within 30 days).  Attorney Leadholm pointed out that if the licensee completes everything by the deadline (October 2), she will be in “substantial compliance,” even if she missed the initial 30 day deadline for jurisprudence exam and jurisdiction. The Board discussed the 30 day deadline for jurisprudence exam/ethics and further sanction. |
| **Motion:** | **To issue the licensee a notice of violation of the terms of stayed probation** |
| **Motion Made By:** | Dr. Thomas Trowbridge |
| **Second:** | Ms. Jacyn Stultz |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**2. Proposed Staff Action Authority**

Ms. Fishman proposed Staff Action authority based on cases like DEN-2019-0229 (Sweeney, see above), wherein the licensee has failed to comply with exam requirements. Ms. Fishman asked the Board to give staff authority to send Notice of Violation: Deferred Action in order to save the Board time and effort, as these cases result in the same decision in every instance. Dr. Trowbridge agrees, but questions why there is a 30-day requirement in the first place. There was some discussion of the merits of having the 30-day time limit in other cases; Attorney Leadholm suggested the Board work on another solution if it so chooses. Ms. Stultz asked for clarification as to whether this authority would be for both probation and stayed probation; Dr. Trowbridge stated it should be for both.

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| **Motion:** | **To approve Staff Action authority in issuing Notices of Violation** |
| **Motion Made By:** | Dr. Thomas Trowbridge |
| **Second:** | Dr. Richard T. Miller |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**2. Probation Dept. Monthly Report**

Ms. Fishman submitted her monthly probation report for the period of 7/1/21 to 8/24/21, with 18 licensees successfully completing terms and conditions of agreements, 2 final notices, 1 extension, 2 granted opportunities to cure, and 59 total cases; the Board members had no questions for Ms. Fishman.

*The Board took a break at 10:24 a.m. and returned at 10:30 a.m.*

**Complaint Resolution – Investigator Sarah Millar**

**--In the Matter of DEN-2021-0020: Madeline Kady, RDA**

*The licensee was not present for the discussion and vote of the Board on this matter.*

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| **Allegation:** | Unlicensed Practice |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. Millar noted the licensee was not in compliance with CEUs. Mr. Mills stated that the CEUs were eventually completed, but not done in a timely manner. |
| **Motion:** | **To offer a Consent Agreement for Stayed Probation for 6 Months to include the completion of the following remedial coursework:**   * **4 Hours: Risk Management** * **1 Hour: Ethics** * **Stayed probation period may be terminated early by the licensee upon evidence of the successful completion of the coursework and ethics/jurisprudence exam as stated.**   **If this agreement is not accepted by the licensee, the matter will be referred to prosecution.** |
| **Motion Made By:** | Dr. Michael Scialabba |
| **Second:** | Ms. Stacy Haluch |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Ricard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**Complaint Resolution – Investigator Rhonda Heard**

**--In the Matter of DEN-2019-0199: Anamaria Ramirez, RDA**

*The licensee was not present for the discussion and vote of the Board on this matter.*

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| **Allegation:** | Unlicensed Practice |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. Heard informed the Board that the licensee denies the allegation, stating that she only worked the front desk. Payroll records indicate that she started at the office 6/5/2017. Licensee applied for on the job training in 2019. Radiology certificate was dated 7/2017, letter of training dated 12/5/2018. Employer denies licensee worked as unlicensed dental assistant. Employer states intent to start training 12/5/2019, states original letter was a “mistake” and licensee was not practicing the duties of a dental assistant, working “mostly” at front desk. |
| **Motion:** | **To dismiss the complaint as no evidence of violation found.** |
| **Motion Made By:** | Ms. Jacyn Stultz |
| **Second:** | Dr. Stephen DuLong |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Ricard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**Complaint Resolution – Investigator Rhonda Heard**

**--In the Matter of DEN-2019-0220: Dr. Syed Faheem Rasool**

*The licensee was not present for the discussion and vote of the Board on this matter.*

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| **Allegation:** | Unlicensed Practice |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. Heard informed the board that this was the employer dentist of Ms. Anamaria Ramirez. Licensee failed to provide pain management and infection control when requested; provided after cycle. |
| **Motion:** | **To dismiss the complaint as no evidence of violation found, with an advisory letter on CEU requirements.** |
| **Motion Made By:** | Dr. Thomas Trowbridge |
| **Second:** | Dr. Patricia Wu |
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| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge, Dr. Stephen DuLong, Dr. Seema Jacob, Dr. Richard T. Miller, Dr. Patricia Wu, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** Ms. Jacyn Stultz  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**Complaint Resolution – Investigator Rhonda Heard**

**--In the Matter of DEN-2019-0203: Zhanna Hrytskevich, RDA**

*The licensee (who was not present) was represented by Alex Terry, Esq., via WebEx, for the discussion and vote of the Board on this matter.*

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| **Issue:** | Unlicensed Practice |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. Heard informed the Board the licensee applied for an initial license on October 31, 2019 with a letter signed by Dr. Jotika Tucker. Licensee had been working for Dr. Tucker for “several years.” Licensee had been a dental assistant since 2012, stopped working in Massachusetts from 2018-2019, but was required to be licensed in Massachusetts in August 2019. |

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| **Motion:** | **To offer a Consent Agreement for Stayed Probation for 6 Months to include the completion of the following remedial coursework:**   * **3 Hours: Risk Management** * **Stayed probation period may be terminated early by the licensee upon evidence of the successful completion of the coursework and ethics/jurisprudence exam as stated.**   **If this agreement is not accepted by the licensee, the matter will be referred to prosecution.** |
| **Motion Made By:** | Ms. Jacyn Stultz |
| **Second:** | Dr. Thomas Trowbridge |
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| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Thomas Trowbridge, Dr. Stephen DuLong, Dr. Seema Jacob, Dr. Richard T. Miller, Dr. Patricia Wu, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** Ms. Jacyn Stultz  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**Complaint Resolution – Investigator Rhonda Heard**

**--In the Matter of DEN-2019-0219: Dr. Jyotika Tucker**

*The licensee (who was not present) was represented by Alex Terry, Esq., via WebEx, for the discussion and vote of the Board on this matter.*

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| **Allegation:** | Employment of an unlicensed dental assistant |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. Heard informed the Board that the licensee allowed dental assistant Zhanna Hrysk to practice and was unaware that Ms. Hrysk was applying for an initial license. Licensee denies knowingly allowing her to practice without a license. Licensee is not an owner of Aspen Dental. Dr. Trowbridge inquired as to how a case was brought against the licensee, and Ms. Heard explained that the licensee was the one who wrote the letter for Dental Assistant Hrysk. Ms. Stultz asked if there was a case open against the owner of the Aspen Dental, and Ms. Heard said there was. |
| **Motion:** | **To dismiss the complaint as no evidence of violation found.** |
| **Motion Made By:** | Ms. Jacyn Stultz |
| **Second:** | Dr. Stephen DuLong |
| **Vote:** | **In Favor**: Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz,  Ms. Stacy Haluch  **Opposed**: None  **Abstain**: None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**Complaint Resolution – Investigator Eileen Mulligan**

**--In the Matter of DEN-2019-0187: Raquel Perry, RDA**

*The licensee was not present for the discussion and vote of the Board on this matter.*

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| **Issue:** | Unlicensed Practice |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. Mulligan informed the Board that there is no evidence to suggest that the licensee practiced as a dental assistant. The licensee only worked in the front office and observed in the back office. The licensee took the required training in preparation for a career in the dental field. |
| **Motion:** | **To dismiss the complaint as no evidence of violation found.** |
| **Motion Made By:** | Ms. Jacyn Stultz |
| **Second:** | Dr. Thomas Trowbridge |
| **Vote:** | **In Favor**: Dr. Michael Scialabba, Dr. Thomas Trowbridge,  Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed**: None  **Abstain**: None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**Complaint Resolution – Investigator Eileen Mulligan**

**--In the Matter of DEN-2019-0044: Dr. Steven Goguen**

*The licensee was present via WebEx for the discussion and vote of the Board on this matter.*

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| **Allegations:** | Compliance Inspection; Infection Control; Anesthesia Violation |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. Mulligan noted to the Board that the deficiencies have been corrected. The licensee failed to complete his 2016-2018 and 2018-2020 cycle infection control and pain management CEUs. The licensee denies many of the allegations, but there is evidence in to support the allegations in the report.  The licensee obtained MCSR in 1992 and it expired in 1995. The licensee was unaware he had to renew his MCSR, so from 1995 to 2019 he practiced on an expired MCSR. There was no oxygen tank for emergency administration in the office. There was a non-compliant tank in the licensee’s home (attached to the office) that was last calibrated in 2000. Requested documentation was unavailable and there were many expired items. |
| **Motion:** | **To offer a Consent Agreement for Probation for 1 Year to include the completion of the following remedial coursework:**   * **4 Hours: Risk management** * **3 Hours: Infection Control** * **3 Hours: Ethics**   **If this agreement is not accepted by the licensee, the matter will be referred to prosecution.** |
| **Motion Made By:** | Ms. Jacyn Stultz |
| **Second:** | Dr. Stephen DuLong |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Ricard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**Complaint Resolution – Investigator Eileen Mulligan**

**--In the Matter of DEN-2019-0045: Sandra Vaillancourt, RDH**

*The licensee was present via WebEx for the discussion and vote of the Board on this matter.*

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| **Allegations:** | Failure to Post License; Infection Control Violations; Local Anesthesia Violations |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. Mulligan informed the Board the licensee was employed part-time with Dr. Steven Gougen. The licensee was not present on the day of the Board’s inspection. The Board discussed whether the licensee followed proper procedure with regard to sterilization but also focused on the licensee’s local anesthesia practices. Dr. Trowbridge asked if the licensee has a local anesthesia permit, which she does. Dr. DuLong asked if the licensee is compliant with CEUs. Ms. Mulligan stated that she is. Ms. Stultz asked if the licensee performed local anesthesia without an emergency drug kit with current medicaments. The licensee stated that she told the dentist (Dr. Gaugin) that they needed a kit. |
| **Motion:** | **To offer a Consent Agreement for Probation for 6 Months to include the completion of the following remedial coursework:**   * **4 Hours: Medical Emergency** * **3 Hours: Risk Management** * **1 Hours: Ethics**   **If this agreement is not accepted by the licensee, the matter will be referred to prosecution.** |
| **Motion Made By:** | Ms. Jacyn Stultz |
| **Second:** | Dr. Michael Scialabba |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Ricard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**Complaint Resolution – Investigator Eileen Mulligan**

**--In the Matter of DEN-2019-0046: Ashley Shadd, RDH**

*The licensee was not present for the discussion and vote of the Board on this matter.*

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| **Allegations:** | Failure to Post License; Infection Control Violations; Local Anesthesia Violations |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. Mulligan informed the Board the licensee was employed part-time at Dr. Gougen’s practice. The licensee brought her own instruments and sterilized these after each use, and possesses a local anesthesia permit. |
| **Motion:** | **To offer a Consent Agreement for Probation for 6 Months to include the completion of the following remedial coursework:**   * **4 Hours: Medical Emergency** * **3 Hours: Risk Management** * **1 Hours: Ethics**   **If this agreement is not accepted by the licensee, the matter will be referred to prosecution.** |
| **Motion Made By:** | Ms. Stacy Haluch |
| **Second:** | Dr. Thomas Trowbridge |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Ricard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**Complaint Resolution – Investigator Eileen Mulligan**

**--In the Matter of DEN-2021-0024: Karen Caraco, RDA**

*The licensee was not present for the discussion and vote of the Board on this matter.*

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| **Allegations:** | Infection Control Violations |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. Mulligan informed the Board the licensee worked part-time at the subject practice and has since left. There were expired products and medicaments. All violations have been rectified. The licensee is compliant in CEUs. |
| **Motion:** | **To offer a Consent Agreement for Probation for 6 Months to include the completion of 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:** | Dr. Stephen DuLong |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Ricard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**Complaint Resolution – Investigator Eileen Mulligan**

**--In the Matter of DEN-2021-0023: Christine Berman, RDH**

*The licensee was not present for the discussion and vote of the Board on this matter.*

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| **Allegations:** | Infection Control Violations |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. Mulligan informed the Board the licensee was employed four days per week at the time of inspection but now works 1 day a week. At the time of inspection there were expired products and medicaments. The violations have been rectified. The licensee has a current local anesthesia permit. |
| **Motion:** | **To offer a Consent Agreement for Probation for 6 Months to include the completion of the following remedial coursework:**   * **4 Hours: Medical Emergency** * **3 Hours: Risk Management** * **1 Hour: Ethics**   **If this agreement is not accepted by the licensee, the matter will be referred to prosecution.** |
| **Motion Made By:** | Ms. Stacy Haluch |
| **Second:** | Dr. Michael Scialabba |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Ricard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**Complaint Resolution – Investigator Eileen Mulligan**

**--In the Matter of DEN-2021-0008: Doris Myers, RDA**

*The licensee was not present for the discussion and vote of the Board on this matter.*

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| **Allegations:** | Infection Control Violations; Unlicensed Practice |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. Mulligan informed the Board the licensee was unlicensed from November 1, 2019 to December 29, 2020. |
| **Motion:** | **To offer a Consent Agreement for Probation for 1 Year to include the completion of the following remedial coursework:**   * **4 Hours: Infection Control** * **4 Hours: Risk Management** * **4 Hours: Medical Emergency** * **2 Hour: Ethics**   **If this agreement is not accepted by the licensee, the matter will be referred to prosecution.** |
| **Motion Made By:** | Dr. Michael Scialabba |
| **Discussion: (cont’d)**  **Second:** | Attorney Leadholm pointed out that there is no nexus for medical emergency remedial coursework.  Dr. Thomas Trowbridge |
| **Discussion: (cont’d)**  **Motion:**  **Motion Made By:**  **Second:**  **Discussion: (cont’d)**  **Vote:** | Attorney Leadholm inquired whether the licensee knew that she had to renew, or if the employer said the licensee knew she had to renew. Ms. Mulligan said it was unclear. Dr. Trowbridge asked if this meant the Board should change their decision to Stayed Probation instead of Probation, and Attorney Leadholm said that it sounded like there was not clear evidence.  **To offer a Consent Agreement for Stayed Probation for 6 Months to include the completion of the following remedial coursework:**   * **4 Hours: Infection Control** * **4 Hours: Risk Management** * **1 Hour: Ethics** * **Stayed probation period may be terminated early by the licensee upon evidence of the successful completion of the coursework and ethics/jurisprudence exam as stated.**   **If this agreement is not accepted by the licensee, the matter will be referred to prosecution.**  Dr. Michael Scialabba    Dr. Thomas Trowbridge  Attorney Leadholm wished for clarification on the remedial coursework regarding whether it could be completed online or in person; Dr. Trowbridge recommended that the Board continue with what has been done in the past.  **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Ricard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Stacy Haluch  **Opposed:** None  **Abstain:** Ms. Jacyn Stultz  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**Complaint Resolution – Investigator Kathleen O’Connell**

**--In the Matter of DEN-2019-0018: Dr. Richard LaFauci**

*The licensee was not present for the discussion and vote of the Board on this matter.*

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| **Allegation:** | Employment of an unlicensed dental auxiliary |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. O’Connell informed the Board the licensee employed the unlicensed dental auxiliary from 10/31/2017 to 4/31/2018. The employee worked “mostly” at the front desk. This case has been deferred until associated case is ready to present. |

**Complaint Resolution – Investigator Kathleen O’Connell**

**--In the Matter of DEN-2019-0041: Natalia M. Angeles, RDA**

*The licensee was not present for the discussion and vote of the Board on this matter.*

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| **Allegation:** | Unlicensed Practice |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. O’Connell informed the Board the Licensee had practiced on an expired license and that the Licensee had completed an insufficient number CEUs during the 2015-2017 cycle (deficient 6 CEUs), which were completed prior to reactivation of her license. |
| **Motion:** | **To offer a Consent Agreement for Stayed Probation for 6 Months to include the completion of the following remedial coursework:**   * **4 Hours: Risk Management** * **1 Hours: Ethics** * **Stayed probation period may be terminated early by the licensee upon evidence of the successful completion of the coursework and ethics/jurisprudence exam as stated.**   **If this agreement is not accepted by the licensee, the matter will be referred to prosecution.** |
| **Motion Made By:** | Dr. Stephen DuLong |
| **Second:** | Dr. Thomas Trowbridge |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Ricard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**Complaint Resolution – Investigator Kathleen O’Connell**

**--In the Matter of DEN-2018-0099: Tanisha G. Brooms, RDA**

*The licensee was not present for the discussion and vote of the Board on this matter.*

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| **Allegation:** | Unlicensed Practice |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. O’Connell informed the Board the licensee was ill during the time period in question but was back to work without a current license prior to reactivating her license. The licensee had insufficient CEUs for the 2015-2017 cycle but made-up the CEUs prior to reactivating her license. |
| **Motion:** | **To offer a Consent Agreement for Stayed Probation for 6 Months to include the completion of the following remedial coursework:**   * **4 Hours: Risk Management** * **1 Hours: Ethics** * **Stayed probation period may be terminated early by the licensee upon evidence of the successful completion of the coursework and ethics/jurisprudence exam as stated.**   **If this agreement is not accepted by the licensee, the matter will be referred to prosecution.** |
| **Motion Made By:** | Ms. Stacy Haluch |
| **Second:** | Dr. Richard T. Miller |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Ricard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**Complaint Resolution – Investigator Rhonda Heard**

**--In the Matter of DEN-2018-0097: Erica Cetina, RDA**

*The licensee was not present for the discussion and vote of the Board on this matter.*

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| **Allegation:** | Unlicensed Practice |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. Heard informed the Board the licensee did not practice on an expired license but was deficient CEUs during the licensure cycle in question. |
| **Motion:** | To offer a Consent Agreement for Stayed Probation for 6 Months to include the completion of the following remedial coursework:   * 4 Hours: Risk Management * 1 Hours: Ethics * Stayed probation period may be terminated early by the licensee upon evidence of the successful completion of the coursework and ethics/jurisprudence exam as stated.   If this agreement is not accepted by the licensee, the matter will be referred to prosecution. |
| **Motion Made By:** | Dr. Stephen DuLong |
| **Discussion: (cont’d)**  **Motion:**  **Motion Made By:**  **Second:** | Attorney Leadholm stated that the Board usually offers an advisory letter in these situations.  **To dismiss the complaint as no evidence of violation found** **with an advisory letter on CEU requirements.**  Dr. Stephen DuLong  Dr. Thomas Trowbridge |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Ricard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**Complaint Resolution – Investigator Kathleen O’Connell**

**--In the Matter of DEN-2019-0158: Dr. Brian T. Schmid**

*The licensee was not present for the discussion and vote of the Board on this matter.*

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| **Allegation:** | Employment of an unlicensed dental auxiliary |
| **Materials Reviewed:** | Investigative report with attachments |
| **Discussion:** | Ms. O’Connell informed the Board the licensee allowed a registered dental hygienist to practice unlicensed. The licensee failed to take the required pain management course for two cycles, remediated one cycle since then.  . |
| **Motion:** | **To offer a Consent Agreement for Stayed Probation for 6 Months to include the completion of the following remedial coursework:**   * **1 Hours: Pain Management** * **Stayed probation period may be terminated early by the licensee upon evidence of the successful completion of the coursework and ethics/jurisprudence exam as stated.**   **If this agreement is not accepted by the licensee, the matter will be referred to prosecution.** |
| **Motion Made By:** | Ms. Jacyn Stultz |
| **Second:** | Dr. Michael Scialabba |
| **Vote:** | In Favor: Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Ricard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  Opposed: None  Abstain: None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

**Flex Session:**

A. Mr. Mills informed the Board that the December Board meeting may not happen, due to office move, therefore nominations for Board Chair and Board Secretary will be made at the October meeting.

B. Mr. Mills reiterated that Board meetings will continue to be held virtually for the foreseeable future.

C. Ms. Stultz has volunteered to be a member of the CODA accreditation team to visit Southeastern Regional Tech in Easton.

D. The topic of evidence presented for cases with the allegation of unlicensed practice was raised. Ms. Stultz stated that she is starting to abstain from votes because she does not feel she has enough information to make informed decisions. Dr. DuLong stated that if a dental assistant is before the Board and claims that they only worked at the front desk, and the only evidence to the contrary is the word of the dental employer, that is not enough to make a decision.

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| **Motion:** | **At 11:57 p.m. to enter Adjudicatory Session** |
| **Motion Made By:** | Dr. Stephen DuLong |
| **Second:** | Dr. Seema Jacob |
| **Vote:** | **In Favor:** Dr. Michael Scialabba, Dr. Stephen DuLong; Dr. Thomas Trowbridge, Dr. Richard T. Miller, Dr. Patricia Wu, Dr. Seema Jacob; Ms. Jacyn Stultz, Ms. Stacy Haluch  **Opposed:** None  **Abstain:** None  (Ms. Ailish Wilkie was not present for the vote of the Board) |

Respectfully submitted,

Erin Dickerson

Contract Paralegal

(Corrected and edited by Assistant Executive Director Jeffrey Mills)

Date: October 30, 2021