

P E N N S Y L V A N I A

STATE BOARD OF

Dentistry

NEWSLETTER

Summer 2005



Commonwealth of Pennsylvania

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Inside:

Message from the Chairman 2

EFDA Permit Status 3

New Anesthesia Regulations 4

Licensee Responsibilities 5

Disciplinary Actions 6-11

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Message from the Chairman

Veasey B. Cullen, Jr., D.M.D.

This will be my last year as a member of the Pennsylvania State Board of Dentistry. I am appreciative of the privilege to have served as Chairman for the last three years. During the past seven years I have encouraged an open dialogue exploring what the Dental Board could do to improve the safety of the delivery system as well as how to improve the efficiency of Pennsylvanian's delivery system. I've always felt that a more efficient system would allow greater access to care for all Pennsylvanians.

The Dental Board's primary responsibility is ensuring the public that they have a safe delivery system. Over my tenure I've struggled with how to accomplish this awesome task. This last year I suggested, and the Board has accepted, an expansion of our sanctioning options.

This past year the prosecutorial division presented several cases to the Board where the clinician's diagnosis and treatment were clearly far below the minimum standard of care for the dental community. As a Board, we came to a consensus that the minimum standard should be defined as the level of a senior student who has been calibrated and certified as competent by a CODA approved dental school. For those clinicians who have allowed their clinical skills to fall below that minimal base line, we are offering them the option of surrendering their licenses or going back to school for re-education.

All three dental schools in Pennsylvania, as well as NYU have agreed to help in the re-education process. The schools will design a clinical curriculum following the prescription of the Board's sanction, and ultimately test the dentists as they would test their own students or test their foreign trained dental students. When the schools indicate that the dentist is competent, we will reissue his/her license. The point that I'm trying to make here is that this Board has returned to calibrated education to maintain the standards of the community. I believe this sanction option has the potential to be quite powerful and effective. I would encourage all of our licensees to maintain the highest level of competency possible by pursuing continuing education opportunities.

The Dental Board's secondary task is to establish rules and regulations for the workforce. This responsibility makes the Board a critical player in the dialogue of access to dental care in Pennsylvania. An example of a change in workforce rules that has affected access to care is the Board's decision to allow Expanded Function Dental Assistants

(EFDA) to deliver sealants under the direct supervision of a dentist.

Demographic data consistently shows us that in the future we are going to have fewer and fewer dentists available to deliver care to an ever-increasing population. Carefully considered change in workforce rules can allow dentists a menu of how they elect to practice. They can follow a traditional model or they can elect to improve the efficiency of their practice by delegating duties to hygienists, assistants, and expanded function dental assistants. In the past many dentists have viewed delegation of expanded duties to auxiliaries as a threat and have inevitably argued that safety would be compromised. We now have more than 30 years of experience, which shows that the use of EFDA's has not compromised the level of dental care.

The challenge for all of us is to come to a consensus that will allow dentistry to move forward in directions that will provide opportunity for everyone. A dialogue was started at the Annual Meeting held in conjunction with the scheduled Board meeting on January 14th, 2005. The Board held an open session with Pennsylvania's educators, representatives of its professional associations, and all other interested parties. Dr. David Kelley, Chief Medical Officer of the Department of Public Welfare, Dr. Paul Westerberg, Chief Dental Officer of the Department of Public Welfare, Dr. Ivan Lugo, head of the Philadelphia Department of Health's Dental Division, and Dr. Philip Siegel, who maintains a multifaceted group practice with emphasis on children and the special needs population, offered valuable testimony to the Board. All support the need for expanded delegation of duties. A number of ideas were discussed which can serve as a five year plan on what regulatory and legal initiatives would be helpful to the delivery of dental care.

I would encourage you to review the testimony of the Annual Public Session held at the January Board meeting. It can be obtained from York Stenographic Services, 34 George Street, York (717-854-0077) and specify the date of the meeting, January 14th, 2005.

A summary of the legal and regulatory changes that are being discussed by the Board are as follows:

Legal changes being considered:

- Allowing foreign trained faculty to teach for a longer period of time prior to getting a license. Currently

Chairman's Message...con't

Pennsylvania is the most restrictive state in the nation, which is a competitive disadvantage for our schools.

- Accepting the ADA's definition of dentistry in defining the parameters of dental care.
- Accepting licensed dentists, hygienists and certified EFDA's from other states without requiring reciprocity.
- Allowing hygienists and assistants to take radiographs under indirect supervision of a dentist.
- Allowing all assistants to place and remove rubber dams or matrix bands. (Currently only EFDA's can place rubber dams and matrix bands.)

Regulatory changes being considered:

- Removing unnecessary barriers to licensure for qualified personnel.
- Allowing hygienists to administer local infiltration anesthetic under direct supervision of a dentist.
- Allowing dental hygienists to treat both ASA I and ASA II patients under indirect supervision of a dentist.
- Allowing dental hygienists to receive a portion of their CE credits for communication topics.
- Establishing new standards for the duration and manner in which all dental records should be retained.
- Allowing dental students in their third year to work as EFDA's under the direct supervision of a dentist.
- Allowing assistants to place topical anesthetic.
- Discussing who should own a dental practice.

The Board is interested in discussing all ideas which would make dental care more efficient and more accessible. I would encourage you to join in this dialogue by signing up for the Board's mailing list so you might comment on these issues as they develop. To comment on proposed regulations, you may submit your name and address by email to st-dentistry@state.pa.us.

EFDA Permit Status

by John V. Reitz, D.D.S.

The process leading to final certification for EFDA permit holders is getting close to an end. With the recent change in regulations that requires a written only exam for EFDA's permit holders, the Department of State is currently in the process of soliciting bids from testing agencies. The intent of the Board is to have the winning testing agency develop a study guide to help prepare temporary permit holders for the exam. At this time details as to where and how the exam will be given are not available. We will make every effort to get the information to all permit holders to allow adequate time to prepare for the examination.

Verification of Licensed Personnel

by John V. Reitz, D.D.S.

If you are a dentist that employs an EFDA, be aware that you are responsible to ensure that your employee has either a current permit or the final EFDA certificate. You will be held responsible if you employ an EFDA that does not have the required permit or certificate as mandated by state regulations. You can verify the status of permit holders by visiting www.mylicense.state.pa.us.

The Board expects its licensees to be responsible for the biennial renewal that occurs by March 31 of odd numbered years. Employers are also expected to verify that all employees hold a current license, permit or certificate to practice. Practicing on an expired license, certificate or permit or without the required license, certificate or permit is in violation of the Dental Law.

New Anesthesia Regulations

by Thomas W. Braun, D.M.D., PhD

The State Board of Dentistry passed the final form of the anesthesia regulations, which had previously been widely circulated at its November meeting. The regulations were developed to be in compliance with Act 135 of 2002. Those regulations, in their final form, provide directives for individuals seeking unrestricted anesthesia permits and restricted type I and type II anesthesia permits in Pennsylvania. These regulations also provide guidelines for dentists who have sedation delivered in their offices by permit holders.

Several items should be clearly recognized. All current Unrestricted and Restricted Permit I holders are required to satisfactorily undergo a clinical evaluation and office inspection as a condition of the biennial renewal beginning April 1, 2005. This evaluation and inspection is required one time every six years. The Pennsylvania Society of Oral and Maxillofacial Surgeons (PSOMS) is the peer evaluation organization approved by the Board who is currently conducting the clinical evaluations and office inspections. The PSOMS has been contacting unrestricted permit and restricted permit I holders in an attempt to schedule clinical evaluations and office inspections. It should be noted that this group is providing this service to all permit holders, whether or not they are members of the Pennsylvania Society of Oral and Maxillofacial Surgeons. Two individuals are currently conducting the office evaluations and clinical inspections, at least one of who will have an unrestricted anesthesia permit. This will assist in providing in-depth information to permit holders in various capacities. Separate fees will be charged for the permit and for the office inspection.

Under Act 135, the Board may wave the clinical evaluation and office inspection required for permit holders who have demonstrated satisfactory performance on the clinical examination administered by an organization acceptable to the Board within the previous six years.

Important to note is the continuing education requirement. At least 15 hours will be required in anesthesia in the biennial period for all unrestricted and restricted I permit holders. Five hours of continuing education will be required for dentists who have general anesthesia, deep sedation and/or conscious sedation administered in their offices by permit holders. At the present time, Dr. Robert Lindner of the PSOMS is coordinating the clinical evaluations and office inspections and can be reached at 412-422-4353. The Board's Regulations can be reviewed online at www.dos.state.pa.us/dent.

It should also be clearly understood that dentists who provide parenteral sedation or combination of inhalation/parenteral

conscious sedation are currently considered Restricted Permit I holders by the Board and will be required to meet the obligations, as such.

All practitioners providing oral medications to achieve conscious sedation for dental procedures should review section 33.331 of the PA Code. The Board interprets this to require such practitioners to have a Restricted Permit I and abide by the requirements for the permit.

The National Practitioner Data Bank

by Richard Cutler, D.M.D.

In 1986, The *Health Care Quality Improvement Act* was incorporated as Title IV legislation. This Legislation became Public Law 99-660. The *Act* was signed into law by President Ronald Regan on November 14, 1986. Its intent was to improve the quality of health care by encouraging state licensing boards, hospitals, and other health care entities and professional societies to identify and discipline those who engage in unprofessional behavior. This *Act* led to the establishment of the NPDB (National Practitioner Data Bank), an information clearinghouse, to collect and release certain information related to the competence and conduct of physicians, dentists, and, in some cases other health care practitioners. This would restrict the ability of incompetent physicians, dentists, and other health care practitioners to move from state to state without the disclosure or discovery of previous medical malpractice payment and/or adverse action history. The establishment of the NPDB represents an important step by the U.S. Government to enhance professional review efforts by making certain information concerning medical malpractice payments and adverse actions available to eligible entities and individuals. The NPDB is primarily an alert or flagging system. The information contained in its records is intended to direct discrete inquiries and scrutiny of specific areas of a practitioner's license. The NPDB information is an important supplement to a comprehensive and careful review of a practitioner's professional credentials. All disciplinary actions of the Pennsylvania State Board of Dentistry are reported to the NPDB, with the exception of continuing education cases resulting in only a civil penalty.

Licensee Responsibilities

by Douglas Marinak D.D.S.

As you no doubt know, under the Board's Regulations, all licenses and permits are to be renewable for a 2-year biennial period, which expires March 31st of the odd-numbered years. Every biennial period, you must submit the required renewal and fee along with verification that you have complied with the CPR and continuing education requirements under the Board's Regulations, as well as the requirements under Act 135 relating to anesthesia permits, if applicable.

Citing Title 49 Professional and Vocational Standards, Chapter 33, State Board of Dentistry in section 33.109 (b):

*“A licensee or certificate holder who changes an address on file with the Board shall notify the Board in writing within 10 days. Licensees or certificate holders who do not comply with this subsection **shall bear full responsibility for the failure to receive correspondence, including biennial renewal notifications, from the Board or the Department.**”*

Several cases regarding this statement confronted the Board in 2004. In one case, a change of address was mailed to the Board and the licensee received the dental license but not the anesthesia permit. In another later case, the licensee did NOT change his address and received his dental license but not his anesthesia permit. In yet another instance, a hygienist mailed her renewal in with credit card numbers as payment and did not receive her license.

What this seems to boil down to is that all dentists, hygienists and other licensed persons in dentistry need to, at all costs, take **full** responsibility for their licenses and permits and should probably do so by utilizing certified mail, return receipt requested. If renewing online, the process should be followed by confirmation of receipt. In addition, you may also verify that your license has been renewed within 3-4 business days on the license verification website at www.mylicense.state.pa.us. In addition, if you have a change of address, submit your change of address by certified mail. You may also request a duplicate license reflecting the change of address by including a \$5.00 check or money order payable to the “Commonwealth of PA”.

Local Anesthesia for Dental Hygienists

by Mariellen Brickley-Raab, RDH

As chairperson for the local anesthesia committee, I am writing this article to update the licensees in the Commonwealth regarding the status of local anesthesia.

Currently there are thirty-four states and the District of Columbia that allow dental hygienists to administer local anesthesia. The Pennsylvania State Board of Dentistry has unanimously concurred that local anesthesia should be added to the scope of practice for dental hygienists in the Commonwealth of Pennsylvania. This would require a regulation change. The local anesthesia committee has provided our Board Counsel, Cynthia K. Montgomery, with several versions of language to be considered to facilitate the regulation changes. We are also investigating courses, which will provide the necessary education required to provide this service.

The initial framework for the regulation is as follows: add local anesthesia (block and infiltration) to the scope of practice for dental hygienists, to be administered under the direct supervision of a dentist; and require dental hygienists to meet comprehensive educational and competency requirements prior to being able to provide the service. There would be no grandfathering provision. All dental hygienists would be required to complete the required course of study.

Dental hygienists and dentists will continue to have the right to choose whether or not they want to provide this service in their practice. And again, only those dental hygienists who have taken the required courses and proved competency will be allowed to provide local anesthesia to their clients.

One last note of caution, please be careful not to confuse the current Anesthesia Regulations with the local anesthesia proposal. They are two different issues.

Disciplinary Actions

The following is a listing of formal disciplinary or corrective measures taken by the Board from January 2004 through March 2005. Each entry includes the name of the respondent; the respondent's license number; the respondent's city; the sanction imposed; a brief description of the basis for the disciplinary or corrective measure; and the effective date of the disciplinary or corrective measure.

Every effort has been made to ensure that the following information is correct. However, this information should not be relied upon without verification from the Board office. It should be noted that the names of persons listed below may be similar to the names of persons who have not had disciplinary or corrective measures taken against them.

Please contact the Board to verify these actions and their effective dates. Official confirmation of the current status of a license or registration can be obtained by writing to: State Board of Dentistry, P.O. Box 2649, Harrisburg, PA 17105-2649.

Francis Nicholas Cararie, license no. **DS-029396-L** of Finleyville, Washington County, was assessed a civil penalty of \$1000, because he made misleading representations. (01-16-04)

Dana M. Fetterolf, license no. **DS-030254-L** of Harrisburg, Dauphin County, was assessed a \$500.00 civil penalty, because she engaged in the practice of dentistry on an expired license in the Commonwealth of Pennsylvania. (01-16-04)

Lynn E. Mack, license no. **DS-023265-L** of Painesville, OH, had her license to practice dentistry in Pennsylvania placed on probation during such time as her license to practice dentistry in the State of Ohio is subject to all terms and conditions imposed by the Ohio State Dental Board, because Mack had disciplinary action imposed or consented to by the proper licensing authority of another state. (01-16-04)

Laura R. Psculkowski, license no. **DH-011100-L** of Norristown, Montgomery County, was assessed a \$250.00 civil penalty, because she practiced as a dental hygienist on an expired license in the Commonwealth of Pennsylvania. (01-16-04)

David Mark Raiffe, license no. **DS-028028-L** of Lakewood, OH, had his license to practice dentistry in the Commonwealth of Pennsylvania placed on probation during such time as his license to practice dentistry in the State of Ohio is subject to all terms and conditions imposed by the Ohio State Dental Board, because he had disciplinary action imposed or consented to by the proper licensing authority of another state. (01-16-04)

Beth M. Skovron, license no. **DS-029245-L**, of Meadowbrook, Montgomery County, was ordered to pay a civil penalty of \$900 because she failed to submit proof of completion of at least thirty (30) credit hours of continuing education. In addition, Skovron was required to complete and submit proof of completion of twelve (12) hours of approved continuing education within six (6) months of the date of the Order. (01-16-04)

Myron J. Kaufman, license no. **DS-019172-L**, of North Versailles, Allegheny County, was reinstated after successfully completing all the terms and conditions of his probation. (01-26-04)

Vikramjit Anand, license no. **DS-031442-L**, of Ithaca, NY, had his 3 year suspension stayed in favor of probation after successfully completing all the terms and conditions of the first year of suspension. (01-29-04)

John Gilbert McIntyre, license no. **DS-023368-L**, of Newtown, Bucks County, had a suspension stayed in favor of probation based upon practicing

dentistry on an expired license, having his New Jersey dental license suspended, and failing to timely report the suspension of his New Jersey dental license. (1/30/04)

Lucille Nathenson, license no. **DS-030318-L**, of North Las Vegas, NV, agreed to voluntarily surrender her license to practice dentistry in the Commonwealth of Pennsylvania because she engaged in unprofessional conduct by departing from, or failed to conform to the standards of acceptable and prevailing dental practices. (03-12-04)

Gady Ross Segal, license no. **DS-035288**, of Philadelphia, Philadelphia County, was ordered to pay a \$500.00 civil penalty, because he practiced dentistry on an expired license. (03-12-04)

Alan I. Aronowitz, license no. **DS-017785-L**, of Pittsburgh, Allegheny County, had his license to practice dentistry temporarily suspended because his continued practice of dentistry presented an immediate and clear danger to the public's health and safety. (4-16-04)

Lori Hilpert, temporary no. **DF-002166-L**, of Canonsburg, Washington County, agreed to voluntarily surrender her temporary permit to practice as an expanded function dental assistant and pay a \$1,000 civil penalty because she held herself out as entitled to practice as an expanded function dental assistant without being duly certified and authorized to engage in such practice. (4-16-04)

Henry Ross Kanner, license no. **DS-030063-L** of Milford, New Hampshire, was ordered to pay a \$1,000 civil penalty and received a public reprimand because he had disciplinary action taken against his license by the proper licensing authority of another state. (4-16-04)

Ralph Sigmund Szilagyi, license no. **DS-021132-L** of Westport, Connecticut, was ordered to pay a civil penalty of \$1000, and had his license to practice dentistry in the Commonwealth of Pennsylvania placed on probation during such time as his license to practice dentistry in the State of Connecticut is subject to all terms and conditions imposed by the Connecticut State Dental Commission, because Szilagyi had disciplinary action imposed or consented to by the proper licensing authority of another state. (4-16-04)

Dean John DiCristofaro, license no. **DS-028306-L** of North Huntingdon, Westmoreland County, was issued a formal reprimand and assessed a \$1,000 civil penalty based upon failure to retain patient records for five years, unprofessional conduct, and failure to timely notify the Board that his dental office would be closing. (4-22-04)

Carol Sue Mills, license no. **DH-011900-R**, of Steamboat Springs, CO, was indefinitely suspended until such time as she provides documentation indicating her license in Colorado is reinstated to unrestricted status and her probation has ended. (5-05-04)

Jerome B. Alston, temporary permit no. **DFT-002227** of Philadelphia, Philadelphia County, was ordered to pay a civil penalty of \$1000, because Alston practiced as an expanded function dental assistant without being certified to engage in such practice under the provisions of the Dental Law. (6-04-04)

Charles J. Connors, license no. **DS-025571-L** of Upper St. Clair, Allegheny County, had his license suspended for no less than five (5) years. Said suspension was immediately stayed in favor of probation. This action was based on Dr. Connors inability to practice dentistry with reasonable skill and safety to patients due to illness, addiction to drugs or alcohol or mental impairment. In addition, Dr. Connors was ordered to pay a civil penalty of \$1000. (6-04-04)

Alex J. Haralam, license no. **DS-017503-L** of Lancaster, Lancaster County, was ordered to pay a civil penalty of \$700 because he engaged in the practice of dentistry on an expired license in the Commonwealth of Pennsylvania. (6-4-04)

Prafulchandra Patel, license no. **DS-020804-L** of Ambler, Montgomery County, was ordered to pay a civil penalty of \$1000, because Patel employed a person as an expanded function dental assistant without such person being certified as an expanded function dental assistant as required by the Dental Law. (6-04-04)

Maryann Perry, temporary permit no. **DFT-002240** of Philadelphia, Philadelphia County, was ordered to pay Civil Penalty of \$1000, because Perry practiced as an expanded function dental assistant without being duly certified and authorized to engage in such practice under the provisions of the Dental Law. (6-04-04)

Brent Mervin Bailey, license no. **DS-030697-L** of East Brady, Clarion County, was ordered to pay a \$2000 civil penalty and within six (6) months, submit proof of the successful completion of 28 credit hours of approved continuing education because Dr. Bailey failed to submit proof of the completion of at least 30 hours of approved continuing education. In addition, a public reprimand was placed on Dr. Bailey's permanent Board record. (7-16-04)

Paul A. Hardison, license no. **DS-022290-L** of North Huntingdon, Westmoreland County, had a public reprimand placed on his permanent Board record because Dr. Hardison failed to submit proof of the completion of at least 30 hours of continuing education. In addition, Dr. Hardison was ordered to pay a \$1,125 civil penalty and submit proof of the completion of 15 credit hours of approved continuing education within six (6) months. (07-16-04)

Debra B. Hopkins, license no. **DS-024577-L** of Tacoma, WA, voluntarily surrendered her license, because Hopkins violated the Act in that her license to practice dentistry was disciplined by the proper licensing authority of another state. (07-16-04)

Christen A. Horton, license no. **DH-010572-L** of Malvern, Chester County, was ordered to pay a civil penalty of \$350.,

because Horton practiced as a dental hygienist on an expired license in the Commonwealth of Pennsylvania. (07-16-04)

Howard L. Kabinoff, license no. **DS-021078-R** of Albany, NY, was suspended for no less than two (2) years, with said suspension stayed in favor of probation, to be served concurrently with the Order entered against Respondent's dental license by the New York State Board of Dentistry and will also pay a civil penalty of \$500, because his license to practice dentistry was disciplined by the proper licensing authority of another state. (07-16-04)

Henry R. Kanner, license no. **DS-030063-L** of Milford, NH, was reprimanded and ordered to pay a civil penalty of \$1000, because Kanner had disciplinary action taken against his license by the appropriate licensing authority of another state. (07-16-04)

Angela I. Katsman, license no. **DH-013448-L** of Pittsburgh, Allegheny County, was ordered to pay a civil penalty of \$400, because Katsman practiced as a dental hygienist on an expired license in the Commonwealth of Pennsylvania. (07-16-04)

Bradley F. Kendzior, license no. **DS-030660-L** of Franklin, Venango County, was ordered to pay a civil penalty of \$1,200, because Kendzior engaged in the practice of dentistry on an expired license in the Commonwealth of Pennsylvania. (07-16-04)

Valerie D. Martone, license no. **DS-026831-L** of Beaver, Beaver County, was ordered to pay a civil penalty of \$1000, because her license to practice dentistry was disciplined by the proper authority of another state. (07-16-04)

Gilbert Karash, license no. **DS-012998-L**, of Broomall, Delaware County, was assessed a \$1,000 civil penalty for practicing on a lapsed license. (07-23-04)

Disciplinary Actions, Cont'd.

David M. Fiorello, license no. **DS-026028-L**, of Hamilton Square, NJ, was reprimanded and assessed a \$100 civil penalty for providing false information to the Board. (07-23-04)

John William Hammer, license no. **DS-022632-L**, of Mesa, AZ, was suspended until a civil penalty in the amount of \$1000 is paid in full, based upon his discipline by the proper licensing authority of another state. (07-23-04)

Peter George Whelan, license no. **DS-020155-L**, of Bradford, McKean County, was reprimanded and assessed a civil penalty in the amount of \$2000 based on failing to submit proof of continuing education credits earned during the biennial period of April 1, 1999 through March 31, 2001 and for making a false or deceptive biennial renewal with the Board. (09-03-04)

Deborah B. Bauman, license no. **DH-008053-L** of Norfolk, VA, was reprimanded and ordered to pay a civil penalty of \$1000, because Bauman's license to practice as a dental hygienist was disciplined by the proper licensing authority of another state. (09-10-04)

Daniel R. Dears, license no. **DS-019670-L** of Pittsburgh, Allegheny County, was ordered to pay a civil penalty of \$1,100, because Dears engaged in the practice of dentistry on an expired license. (09-10-04)

Janet Fedrizzi Girdano, license no. **DH-005908-L** of Butler, Butler County, was ordered to pay a civil penalty of \$600, because Girdano practiced as a dental hygienist on an expired license in the Commonwealth of Pennsylvania. (09-10-04)

Sandra A. Hack, license no. **DFT-002200** of Mercer, Mercer County, was ordered to pay a civil penalty of \$1,000, because Hack practiced as an expanded function dental assistant without being duly certified

and authorized to engage in such practice. (09-10-04)

Stephen J. Hill, license no. **DS-026385-L** of Bedford, Bedford County, was ordered to pay a civil penalty of \$1,000, because Hill employed an uncertified person as an expanded function dental assistant. (09-10-04)

Mark J. Mokus, license no. **DS-027333-L** of Atlanta, GA, was indefinitely suspended because Mokus received disciplinary sanctions taken against his license by the State of Georgia, Board of Dentistry. 09-10-04)

Mary C. Monica, license no. **DH-005032-L** of Philadelphia, Philadelphia County, was reprimanded, and was assessed a civil penalty of \$750, because Monica failed to submit proof of completion of at least 20 credit hours of continuing education in acceptable courses of which no more than 50% of the required courses were obtained through individual study. (09-10-04)

Christopher P. Mulloy, license no. **DS-027103-L** of Somerville, NJ, was placed on probation, because Mulloy had disciplinary action imposed or consented to by the proper licensing authority of another state. (09-10-04)

Robert William Kern, license no. **DS-020176-L**, of Bethlehem, Northampton County, was assessed a \$1,000 civil penalty and suspended until the civil penalty is paid in full and he has provided proof to the Board of completion of the required 30 continuing education credit hours. (6-10-04)

Anthony J. Ermocida, license no. **DS-027173-L** of Langhorne, Bucks County, was assessed a civil penalty in the amount of \$1,000 by reason of disciplinary sanctions imposed upon him in another state. (09-14-04)

George Norberg, license no. **DS-031380-L** of McKees Rocks, Allegheny County, was suspended and assessed a civil penalty in the amount of \$1,000 until his New York dental license has been reinstated to unrestricted status, based upon disciplinary action imposed on his license to practice dentistry by the proper licensing authority of another state. (9-14-04)

Jack J. Pontoriero, license no. **DS-016070-L**, of Erie, Erie County, was assessed a civil penalty in the amount of \$250 for failure to submit proof of completion of at least 30 credit hours of continuing education in acceptable courses. (9-15-04)

Dora Lynn Comstock, license no. **DH-009402-L**, of Benton, Columbia County, was suspended for a period of 2 years, with the suspension stayed in favor of probation, for being found guilty of misdemeanors that involve moral turpitude. (09-15-04)

Lynel P. Gaunt, license no. **DH-007182-L**, of Avis, Clinton County, was assessed a civil penalty in the amount of \$400 for practicing on a lapsed license. (9-15-04)

Jose Joaquin Alvarez, license no. **DS-029285-L** of Miami, FL, was ordered to pay a civil penalty of \$1000 and a reprimand was placed on his Board record, because Alvarez had his dental license disciplined by the proper licensing authority of another state. (10-22-04)

Kathleen Marie Gemperlein, license no. **DH-012689-R** of Butler, Butler County, was ordered to pay a civil penalty of \$750, because Gemperlein practiced as a dental hygienist on an expired license in the Commonwealth of Pennsylvania (10-22-04)

Cornelius E. Gaither, license no. **DS-012700-L** of Thorofare, NJ, voluntarily surrendered his license to practice dentistry in the Commonwealth of Pennsyl-

vania, because Gaither had disciplinary action imposed by the proper licensing authority of another state. (10-22-04)

Serioja Constantin, license no. **DS-030752-L** of Chappaqua, NY, was ordered to pay a civil penalty of \$1000 and a reprimand was placed on his Board record, because Constantin had disciplinary action imposed on his license to practice dentistry by the proper licensing authority of another state (10-22-04)

Tabitha A. Berry, Temporary EFDA Permit No. **DFT-002303** of Bedford, Bedford County, was ordered to pay a civil penalty of \$1,000, because Berry practiced as an expanded function dental assistant without being duly certified and authorized to engage in such practice under the provisions of the Act. (10-22-04)

John M. Yoder, of Smicksburg, Indiana County, was ordered to cease and desist from engaging in the practice of dentistry and to pay a civil penalty of \$1,000, because Yoder practiced dentistry in the Commonwealth of Pennsylvania without being duly licensed and authorized to engage in such practice (10-22-04)

Mark Gerard Toncini, license no. **DS-022700-L**, of Vandergrift, Fayette County, was indefinitely suspended for failure to pay a \$1,000 civil penalty. (10-26-04)

Raymond J. Haag, license no. **DS-020757-L**, of Marietta and Fairborn, OH, was indefinitely suspended and assessed a civil penalty in the amount of \$1,000 until such time as his license is returned to unrestricted status in the State of Ohio. (10-27-04)

Nancy Jo Magone, license no. **DS-028404-L**, of Mount Airy, MD, was reprimanded and assessed a civil penalty in the amount of \$1,000 for previous disciplinary action in another state and failure to report to the Board within 90 days of the disposition regarding the disciplinary action taken. (10-27-04)

James C. Lajevic, license no. **DS-018736-L**, of Boulder City, NV, was denied reinstatement and the indefinite suspension of

his license continues in accordance with a previous Board order. (10-27-04)

Christopher D. Maurer, license no. **DS-019684-L**, of Paoli, Chester County, was formally reprimand for violating a lawful order of the Board previously entered by the Board. (11-10-04)

Jerry J. Herschfeld, license no. **DS-018369-L** of Bensalem, Bucks County, was ordered to pay a civil penalty of \$1000, because Herschfeld negligently employed a dental hygienist whose license was not current. (12-3-04)

Debra Lynn Nicolella, license no. **DH-007475-L**, of Washington, Montour County, was ordered to pay a civil penalty of \$700 and have a reprimand placed on her record with the Board, because Nicolella failed to submit proof of completion of at least 20 credit hours of continuing education in acceptable courses of which no more than 50% of the required courses were obtained through individual study. (12-3-04)

James D. Kearns, license no. **DS-017830-L** of Harrisburg, Dauphin County, was assessed a civil penalty in the amount of \$1,000 for failing to possess a current permit issued by the Board before administering or supervising the administration of conscious sedation or nitrous oxide/oxygen analgesia in a dental office. (12-3-04)

Kara Gayle Rosenthal-Fraiman, license no. **DS-028500-L**, of Bala Cynwyd, Montgomery County, was required to pay a civil penalty of \$1,000 because Rosenthal-Fraiman failed to complete 30 required hours of acceptable continuing education credits for the biennial period of April 1, 2001 through March 31, 2003. (12-3-04)

Hal M. Hirsch, license no. **DS-025328-L** of Cherry Hill, NJ, was publicly reprimanded and ordered to pay a civil penalty of \$500., because Hirsch violated the Act in that he had disciplinary action taken against his license by the proper licensing authority of another state. (12-3-04)

Dwight J. Ashby, license no. **DS-025109-L** of Harrisburg, Dauphin County, was as-

essed a civil penalty in the amount of \$1,000 for failing to possess a current permit issued by the Board before administering or supervising the administration of conscious sedation or nitrous oxide/oxygen analgesia in a dental office. (12-3-04)

Margaret Ann Boyle, license no. **DH-006068-L**, of Whitehall, Lehigh County, was ordered to pay a civil penalty of \$750 and have a Reprimand placed on Respondent's record with the Board, because Boyle failed to submit proof of completion of at least 20 credit hours of continuing education in acceptable courses of which no more than 50% of the required courses were obtained through individual study. (12-3-04)

Keith E. Klein, license no. **DS-021165-L**, of York, York County, was indefinitely suspended for a period of no less than one year and ordered to successfully complete thirty (30) credits of continuing education and obtain a passing score on the North East Regional Board of Dental Examiner's Jurisprudence, Ethics and Risk Management Examination, based upon Dr. Klein's conviction of a crime of moral turpitude and unprofessional conduct in violating the Board's regulations relating to dental records and the storage and disposal of drugs and drug-containing refuse. (12-7-04)

Henry Salama, license no. **DS-022614-L**, of Glenside, Montgomery County, was reprimanded and ordered to pay a civil penalty in the amount of \$1000 for having discipline taken against his license by the proper licensing authority of another state. (12-8-04)

Beryl R. Sherman, license no. **DS-013078-L**, of Lancaster, Lancaster County, was ordered to pay a civil penalty in the amount of \$500 for engaging in the practice of dentistry on a lapsed license. (12-08-04)

Harry Cygler, license no. **DS-018852-L**, of Berlin, NJ, was assessed a \$1,000 civil penalty based upon disciplinary action taken by the New Jersey State Board of Dentistry. (12-3-04)

Peter Hieu Bui, license no. **DH-011645-L** of Spring City, Chester County, was

Disciplinary Actions, Cont'd.

assessed a civil penalty of \$1,000 for practicing as a dental hygienist while his license was lapsed from March 31, 1999 through August 13, 2002. (12-03-04)

Michael C. Maroon, license no. **DS-029292-R**, of York, York County, was reprimanded and ordered to pay a civil penalty in the amount of \$1000 for failing to submit proof of continuing education credits earned during the biennial period of April 1, 1999 through March 21, 2001. (12-3-04)

Edward C. Windmiller, license no. **DS-026544-L**, of Harrisburg, Dauphin County, was suspended for a period of 5 years, with the suspension stayed in favor of probation subject to certain terms and conditions for unprofessional conduct. (12-8-04)

William M. Stockton, license no. **DS-026580-L**, of Buffalo, NY, was assessed a civil penalty in the amount of \$1,000 for having disciplinary action imposed upon his license to practice dentistry by the proper licensing authority of the state of New York. (12-8-04)

Jeb Stuart James, license no. **DS-030902-R**, of Bay City, TX, was assessed a civil penalty in the amount of \$1000 for having discipline taken against his license by the proper licensing authority of another state. (12-9-04)

Christopher C. Nabors, license no. **DS-027105-L**, of Pittsburgh, Allegheny County, was reinstated conditioned upon his successfully passing the clinical examination given by the North East Regional Board of Dental Examiners and subject to five years of probation under certain terms and conditions. (12-9-04)

Mohamedraza H. Bhimani, license no. **DS-027114-L** of Orland Park, IL, was ordered to pay a civil penalty of \$1,000 and was placed on probation for an indefinite period of not less than three (3) years as imposed by an Order issued by the Illinois

Department of Professional Regulation, because Bhimani violated the Act at 63 P.S. §123.1(a)(5) in that his license to practice dentistry was disciplined by the proper licensing authority of another state. (01-14-05)

William D. Titus, license no. **DS-028279-L** of Jacksonville, FL, was ordered to pay a civil penalty of \$500, because Titus violated the Act in that his license to practice dentistry was disciplined by the proper licensing authority of another state. (01-14-05)

Patrick Neill Boyle, license no. **DS-030949-L**, of Pittsburgh, Allegheny County, was indefinitely suspended because Boyle failed to cooperate with the Bureau of Professional and Occupational Affairs, it's Professional Health Monitoring Program (PHMP) and its agents and employees in the monitoring, supervision and investigation of Boyle's compliance. (01-14-05)

Michael L. Pacifico, D.D.S., license no. **DS-021434-L**, of Bangor, Northampton County, was automatically suspended for convictions of a felony offense. (1-14-05)

Joseph Salkind, license no. **DS-028921-L** of Shamong, NJ, was reprimanded and ordered to pay a civil penalty of \$1,000, because Salkind violated the Act in that his license to practice dentistry was disciplined by the proper licensing authority of another state. (01-14-05)

James N. Hagar, license no. **DS-022715-L** of Wyomissing, Berks County, was reprimanded and assessed a civil penalty in the amount of \$3,000 for practicing on an expired license from April 1, 1999 through December 31, 2003 (second violation). (1-14-05)

Michael A. Patrician, license no. **DS-023284-L**, of Clarks Summit, Lackawanna County, was assessed a civil penalty in the amount of \$2,000 and was indefinitely suspended, with the suspension stayed in favor of probation, until he has provided proof to the Board that he has successfully com-

pleted a board-approved clinical program of training in endodontics at an ADA-accredited institution and at least 30 hours of continuing dental education in the areas of diagnosis, medicine in dentistry, history taking and record keeping, because he committed repeated acts of negligence, malpractice or incompetence, failed to conform to the accepted and prevailing standard of care, and violated the Board's regulations regarding preparing, maintaining and retaining patient records. (01-14-05)

Alireza Asgari, license no. **DS-030571-L**, of Orangeville, CA, was indefinitely suspended until he has provided proof to the Board that he has successfully completed no less than 30 hours of continuing education in endodontics and 10 hours of continuing dental education in the area of jurisprudence, ethics and risk management, and can demonstrate to the Board's satisfaction that he can practice dentistry with reasonable skill and safety to the public. (01-14-05)

Richard L. Evans, license no. **DS-015363-L**, of Merion, Montgomery County, was indefinitely suspended for a period of no less than two years and continuing until he has provided proof to the Board that he has successfully completed a board-approved program of remedial training by an ADA accredited dental institution, and can demonstrate to the Board's satisfaction that he can practice dentistry with reasonable skill and safety to the public. (01-14-05)

Timothy D. Owczarzak, license no. **DS-027955-L**, of Pittsburgh, Allegheny County, was suspended for thirty days for practicing on an expired and suspended license. (01-14-05)

Ramon Luis Perez, unlicensed, of Munhall, Allegheny County, was assessed a civil penalty in the amount of \$1000 and is to cease and desist from the practice of dentistry without a license. (1-19-05)

Nancy E. Miller-McFarland, license no. **DH-008876-L**, of Rushland, Bucks County, was assessed a civil penalty in the amount of \$1,000 and indefinitely suspended for no less than 30 days, based on her practicing as a dental hygienist on an expired license. (1-19-05)

Julie J. Gibson, of Ingomar, Allegheny County, was denied licensure to practice dental hygiene for failure to demonstrate the qualifications or standards for a license. (1-19-05)

Gregory J. Arendacs, license no. **DS-022495-L** of Hershey, Dauphin County, was ordered to pay a civil penalty of \$1,400, because Arendacs practiced dentistry on an expired license. (03-18-05)

Michelle S. Greenberg, license no. **DH-005388-L**, of Philadelphia, Philadelphia County required to pay a civil penalty of \$350, a reprimand was placed on her Board record, and she was required to successfully complete the lacking 7 hours of continuing education within six (6) months because Greenberg failed to complete the required continuing education credits by 7 hours for the April 1, 2001 to March 31, 2003 licensing period. (03-18-05)

Leonard I. Niad, license no. **DS-022156-R** of Catskill, NY, voluntarily surrendered his license to practice dentistry in the Commonwealth of Pennsylvania, because Niad had disciplinary action imposed on his license to practice dentistry by the proper licensing authority of another state. (03-18-05)

Rudolph J. Chao, license no. **DS-021270-L**, of Voorhees, NJ, was required to pay a civil penalty of \$450, a reprimand was placed on his Board record and he was required to successfully complete the lacking 6 hours of required continuing education within six (6) months because Chao failed to complete the required continuing education credits by 6 hours for the April 1, 2001 to March 31, 2003 licensing period. (03-18-05)

Vincent Yuh-Kang Lin, license no. **DS018862Y**, of Philadelphia, Philadelphia County, was required to pay an \$825 civil penalty, a reprimand was placed on his permanent record, and Lin was required to complete the lacking hours of continuing education within six (6) months because Lin was short the required continuing education credits by 11 hours for the April 1, 2001 to March 31, 2003 licensing period. (03-18-05)

Celeste A. Upschulte, license no. **DH004916L**, of Saylorsburg, Monroe County, was required to pay a civil penalty of \$2,000, a reprimand was placed on her record, and Upschulte was required to complete the required 20 hours of continuing education within six months because she was short the required continuing education credits by 20 hours for the April 1, 2001 to March 31, 2003 licensing period. (03-18-05)

Daniel F. Whirlow, license no. **DS-024999-L** of Greensburg, Westmoreland County, was ordered to pay a civil penalty of \$1,400, because Whirlow violated the Act in that he practiced dentistry on an expired license. (03-18-05)

Eduardo R. Lazaro, license no. **DS-024522-L** of Palm Harbor, FL, was ordered to pay a civil penalty of \$1,000, because Lazaro violated the Act in that he was disciplined by the proper licensing authority of another state. (03-18-05)

Eugene C. Kardelis, Jr., license no. **DS-027961-L** of Easton, Northampton County, was ordered to pay a civil penalty of \$2,000 and his license to practice dentistry was placed on probation for a period of at least 12 months subsequent to August 12, 2004, because Kardelis made misleading, deceptive, untrue or fraudulent representations. (03-18-05).

UNETHICAL OR UNLICENSED ACTIVITY

If you believe the practice or service provided by a licensed professional to be unethical, below an acceptable standard or out of the scope of the profession; or if you are aware of unlicensed practice, please call the Bureau of Professional and Occupational Affairs complaints hotline at:

In Pennsylvania: 1-800-822-2113
Out of State: 1-717-783-4854

A complaint form is available on the Department of State's internet website:

www.dos.state.pa.us

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Remaining 2005 Meeting Dates

June 3 July 15 September 9

October 21 December 2

**The State Board of Dentistry meets in Harrisburg.
Meetings, which are held on Fridays, begin at
9a.m. and are open to the public.**