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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

**STATE BOARD OF DENTISTRY
VIA VIDEOCONFERENCE**

TIME: 10:49 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

March 12, 2021

State Board of Dentistry
March 12, 2021

BOARD MEMBERS:

Theodore Stauffer, Executive Secretary, Bureau of
Professional and Occupational Affairs, on behalf of
K. Kalonji Johnson, Commissioner, Bureau of
Professional and Occupational Affairs
R. Ivan Lugo, D.M.D., M.B.A., Chairperson
Brice D. Arndt, D.D.S. - Absent
Shawn M. Casey, D.M.D.
Barbara (Bonnie) L. Fowler, Public Member
Godfrey Joel Funari, M.S., D.M.D.
Theresa A. Groody, EFDA
Alice Hart Hughes, Esquire, Secretary, Public Member
Joel S. Jaspan, D.D.S.
Andrew S. Matta, D.M.D. - Absent
LaJuan M. Mountain, D.M.D.
Donna L. Murray, R.D.H.
Amber Sizemore, Esquire, Office of Attorney General
Jennifer Unis Sullivan, D.M.D., J.D.

BUREAU PERSONNEL:

Shana M. Walter, Esquire, Board Counsel
Paul J. Jarabeck, Esquire, Board Prosecution Liaison
Peter D. Kovach, Esquire, Senior Prosecutor in Charge
Lisa M. Burns, Board Administrator
Theodore Stauffer, Executive Secretary, Bureau of
Professional and Occupational Affairs

ALSO PRESENT:

Wesley J. Rish, Esquire, Rish Law Office, LLC

1 State Board of Dentistry

2 March 12, 2021

3 ***

4 [Pursuant to Section 708(a)(5) of the Sunshine Act,
5 the Board entered into executive session with Shana M.
6 Walter, Esquire, Board Counsel, for the purpose of
7 conducting quasi-judicial deliberations on a number of
8 matters currently pending before the Board and to
9 receive the advice of counsel.]

10 ***

11 [Theodore Stauffer, Executive Secretary, Bureau of
12 Professional and Occupational Affairs, reminded
13 everyone that the meeting was being recorded, and
14 those who remained on the line were giving their
15 consent to be recorded.]

16 ***

17 The regularly scheduled meeting of the State
18 Board of Dentistry was held on Friday, March 12, 2021.
19 R. Ivan Lugo, D.M.D., M.B.A., Chairperson, called the
20 meeting to order at 10:49 a.m.

21 ***

22 Introductions

23 [Chairperson Lugo requested the introduction of Board
24 members. He offered the Board's prayers and thoughts
25 to Dr. Arndt and his loved ones.]

1 ***

2 Approval of minutes of the January 15, 2021 meeting

3 CHAIRPERSON LUGO:

4 Could I have a motion to approve the
5 January 15 minutes?

6 MS. FOWLER:

7 So moved.

8 CHAIRPERSON LUGO:

9 Second?

10 MS. MURRAY:

11 Second.

12 CHAIRPERSON LUGO:

13 Any corrections to the minutes?

14 [The Board discussed corrections to the minutes.]

15
16 Call the question to approve the
17 minutes. All say aye.

18 [The motion carried unanimously.]

19 ***

20 Report of Prosecutorial Division

21 [Shana M. Walter, Esquire, Board Counsel, noted the
22 Board had questions regarding item 6 on the agenda at
23 Case No. 20-46-001839. She also noted the Board had
24 no questions regarding items 2, 3, 4, 5, and 7.]

25 ***

1 [Peter D. Kovach, Esquire, Board Prosecutor, presented
2 the Consent Agreement for Case No. 20-46-001839.

3 Wesley J. Rish, Esquire, Rish Law Office, LLC,
4 counsel for the respondent, was present and
5 participated in the discussion.

6 Mr. Jarabeck addressed a new victim/witness
7 advocacy program, where prosecution will be working
8 with Dauphin County over the next year to provide free
9 assistance to individuals who have gone through a
10 traumatic experience.

11 Chairperson Lugo questioned whether Mr. Jarabeck
12 was still working with the ethics program in dental
13 schools. Mr. Jarabeck stated that speaking at Temple
14 University is an annual arrangement and an event he
15 would like to expand and continue with other schools.

16 Chairperson Lugo mentioned the program to be very
17 productive in making dental students aware of
18 consequences of ethical and moral matters. He offered
19 his support and assistance regarding contacting deans
20 and noted the importance of having that information
21 available to graduating students in the state of
22 Pennsylvania.]

23

24 Report of Board Counsel

25 [Shana M. Walter, Esquire, Board Counsel, noted the

1 Board met in executive session prior to the meeting
2 and discussed items 2 through 7, 8 through 11, and 17
3 on the agenda.]

4 ***

5 MS. WALTER:

6 Item No. 2 on the agenda at Case Nos.
7 16-46-1162 & 19-46-001241 and Item No. 5
8 on the agenda at Case No. 19-46-012197.

9 I believe the Board would entertain
10 a motion to approve the Consent
11 Agreements.

12 MS. GROODY:

13 I make that motion.

14 MS. FOWLER:

15 Second.

16 ALICE HART HUGHES ASSUMED THE CHAIR

17 ***

18 SECRETARY HUGHES:

19 Call the question.

20
21 Dr. Casey, aye; Ms. Fowler, aye; Dr.
22 Funari, aye; Ms. Groody, aye; Ms.
23 Hughes, aye; Dr. Jaspan, aye; Dr.
24 Mountain, aye; Ms. Murray, aye; Ms.
25 Sizemore, aye; Dr. Sullivan, aye.

1 [The motion carried unanimously. Item 2 on the agenda
2 at Case No. 16-46-11162 & 19-46-001241 is Steven
3 Wurster Haywood, D.D.S. Item 5 on the agenda at Case
4 No. 19-46-012197 is Eduardo Marquez, D.M.D.]

5

6 MS. WALTER:

7

Items 3 and 4 on the agenda at Case No.
20-46-009432 and Case No. 20-46-014741.

8

9

I believe the Board would entertain
a motion to approve the VRP Agreements
at those case numbers.

10

11

12 MS. GROODY:

13

I'll make that motion.

14 DR. MOUNTAIN:

15

Second.

16 SECRETARY HUGHES:

17

Call the question.

18

19

Dr. Casey, aye; Ms. Fowler, aye; Dr.

20

Funari, aye; Ms. Groody, aye; Ms.

21

Hughes, aye; Dr. Jaspán, aye; Dr.

22

Mountain, aye; Ms. Murray, aye; Ms.

23

Sizemore, aye; Dr. Sullivan, aye.

24 [The motion carried unanimously.]

25

1 MS. WALTER:

2 Item 6 on the agenda at Case No. 20-46-
3 001839.

4 I believe the Board would entertain
5 a motion to reject the Consent Agreement
6 at this case number.

7 MS. GROODY:

8 I'll make that motion.

9 DR. JASPAN:

10 Second.

11 SECRETARY HUGHES:

12 I'd like to amend that motion, that we
13 reject the motion as too lenient.

14 MS. WALTER:

15 Could we have a vote on the motion as
16 amended?

17 DR. FUNARI:

18 I'll second that motion as amended.

19 SECRETARY HUGHES:

20 Call the amended motion.

21

22 Dr. Casey, aye; Ms. Fowler, aye; Dr.
23 Funari, aye; Ms. Groody, aye; Ms.
24 Hughes, aye; Dr. Jaspán, aye; Dr.
25 Mountain, aye; Ms. Murray, aye; Ms.

1 Sizemore, aye; Dr. Sullivan, aye.

2 [The motion carried unanimously.]

3 ***

4 MS. WALTER:

5 Item 7 on the agenda at Case No. 17-46-
6 03790. I would like to note that Dr.
7 Funari recused himself from deliberating
8 on this matter.

9 I believe the Board would entertain
10 a motion to accept the Consent Agreement
11 at this number.

12 MS. GROODY:

13 I'll make that motion.

14 MS. FOWLER:

15 Second.

16 SECRETARY HUGHES:

17 Call the question.

18
19 Dr. Casey, aye; Ms. Fowler, aye; Dr.
20 Funari, recused; Ms. Groody, aye; Ms.
21 Hughes, aye; Dr. Jaspan, aye; Dr.
22 Mountain, aye; Ms. Murray, aye; Ms.
23 Sizemore, aye; Dr. Sullivan, aye.

24 [The motion carried. Dr. Funari recused himself from
25 deliberations and voting on the motion. Case No. 17-

1 46-03790 is Wade Newman, D.D.S.]

2 ***

3 Proposed Adjudication and Order

4 MS. WALTER:

5 Item 8 on the agenda is the proposed
6 adjudication in the matter of Daniel P.
7 Schechter, D.M.D. at Case No. 20-46-
8 008886.

9 I believe the Board would entertain
10 a motion to direct Board counsel to
11 draft a Final Adjudication and Order
12 consistent with the deliberations that
13 occurred during executive session.

14 DR. FUNARI:

15 I'll make that motion.

16 DR. MOUNTAIN:

17 Second.

18 SECRETARY HUGHES:

19 Call the question.

20
21 Dr. Casey, aye; Ms. Fowler, aye; Dr.
22 Funari, aye; Ms. Groody, aye; Ms.
23 Hughes, aye; Dr. Jaspán, aye; Dr.
24 Mountain, aye; Ms. Murray, aye; Ms.
25 Sizemore, aye; Dr. Sullivan, aye.

1 [The motion carried unanimously.]

2 ***

3 Final Adjudication and Order

4 MS. WALTER:

5 Item 8 on the agenda is Eugene Myung Ko,
6 D.D.S. at Case No. 20-46-006034. This
7 proposed adjudication and order was
8 previously on the Board's agenda in
9 January.

10 I believe the Board would entertain
11 a motion to direct Board counsel to
12 draft a Final Adjudication and Order
13 consistent with the deliberations of the
14 Board.

15 DR. FUNARI:

16 I'll make that motion.

17 MS. GROODY:

18 Second.

19 SECRETARY HUGHES:

20 Call the question.

21

22 Dr. Casey, aye; Ms. Fowler, aye; Dr.
23 Funari, aye; Ms. Groody, aye; Ms.
24 Hughes, aye; Dr. Jaspán, aye; Dr.
25 Mountain, aye; Ms. Murray, aye; Ms.

1 Sizemore, aye; Dr. Sullivan, aye.

2 [The motion carried unanimously.]

3 ***

4 MS. WALTER:

5 Item 10 on the agenda is Sammy Stefan
6 Noumbissi, D.D.S. at Case No. 20-46-
7 006109.

8 I believe the Board would entertain
9 a motion to direct Board counsel to
10 enter as final the Adjudication and
11 Order.

12 MS. GROODY:

13 I make that motion.

14 DR. JASPAN:

15 Second.

16 SECRETARY HUGHES:

17 Call the question.

18

19 Dr. Casey, aye; Ms. Fowler, aye; Dr.
20 Funari, aye; Ms. Groody, aye; Ms.
21 Hughes, aye; Dr. Jaspán, aye; Dr.
22 Mountain, aye; Ms. Murray, aye; Ms.
23 Sizemore, aye; Dr. Sullivan, aye.

24 [The motion carried unanimously.]

25 ***

1 MS. WALTER:

2 Item 11 on the agenda is Ramond J.
3 Winiewicz at Case No. 18-46-010406.

4 I believe the Board would entertain
5 a motion to direct the Board counsel to
6 enter the Final Adjudication with the
7 changes discussed during executive
8 session.

9 SECRETARY HUGHES:

10 I need a motion.

11 MS. GROODY:

12 I make that motion.

13 DR. SULLIVAN:

14 Second.

15 SECRETARY HUGHES:

16 Call the question.

17

18 Dr. Casey, aye; Ms. Fowler, aye; Dr.
19 Funari, aye; Ms. Groody, aye; Ms.
20 Hughes, aye; Dr. Jaspan, aye; Dr.
21 Mountain, aye; Ms. Murray, aye; Ms.
22 Sizemore, recuse; Dr. Sullivan, aye.

23 [The motion carried. Ms. Sizemore recused herself
24 from deliberations and voting on the motion.]

25

1 CHAIRPERSON LUGO RESUMED THE CHAIR
2 Review of Applications

3 MS. WALTER:

4 Item 17 on the agenda is the Application
5 of Bianca Collins.

6 I believe the Board would entertain
7 a motion to provisionally deny the
8 Application of Ms. Collins.

9 CHAIRPERSON LUGO:

10 Call the question.

11 MS. GROODY:

12 I make that motion.

13 SERETARY HUGHES:

14 Second.

15 CHAIRPERSON LUGO:

16 Call the question.

17

18 Dr. Casey, aye; Ms. Fowler, aye; Dr.
19 Funari, aye; Ms. Groody, aye; Ms.
20 Hughes, aye; Dr. Jaspan, aye; Dr.
21 Mountain, aye; Ms. Murray, aye; Ms.
22 Sizemore, aye; Dr. Sullivan, aye.

23 [The motion carried unanimously.]

24

25 Report of Board Counsel (Continued)

1 [Shana M. Walter, Esquire, Board Counsel, referred to
2 House Bill 593 regarding prohibiting gifts from
3 pharmaceutical companies, House Bill 642 relating to
4 telemedicine, House Bill 131 requiring a response to
5 appear in person during disciplinary proceedings, and
6 House Bill 325 relating to authorizing the Board to
7 issue advisory opinions for the Board's review.

8 Chairperson Lugo mentioned that there may not be
9 much confidence in 24 months for the telemedicine
10 bill. He noted many state boards are working on this
11 and have models that would be helpful. He commented
12 that it was not only for boards to be able to regulate
13 telemedicine but also included insurance coverage for
14 the service provider.

15 Ms. Walter explained that the bills may be
16 amended during the process, and the bill must pass
17 before the Board could work on regulations.

18 Chairperson Lugo noted the need for preparation
19 and making sure everyone understands all of the
20 aspects from the public to dental professional
21 regarding telemedicine. He noted a venue will need to
22 be created to be able to communicate expert opinions.
23 He stated Ms. Groody could begin to review background
24 insights needed to educate the Board regarding dental
25 assistants. He noted the need to create an

1 infrastructure and a way to educate Board members on
2 creating regulations.

3 Dr. Sullivan mentioned the need to realize some
4 of the teledentistry issues not being regulated.

5 Dr. Jaspan questioned whether comments could be
6 made regarding the other proposed legislation.

7 Ms. Walter stated all may comment in their
8 individual capacity with their local legislator. She
9 and Ms. Wucinski will bring the items to the Board
10 once the legislative office requests a bill analysis.

11 Chairperson Lugo stated Dr. Jaspan and committee
12 will be discussing the legislation, and the Board will
13 have more opportunities to comment as the legislation
14 evolves before the Board will have to create the
15 regulations for implementation.]

16 ***

17 Report of Board Administrator

18 [Lisa M. Burns, Board Administrator, mentioned the
19 renewal period was going smoothly and informed
20 everyone that renewals will be expiring at the end of
21 the month.]

22 ***

23 Report of Commissioner - No Report

24 ***

25 Report of Board Chairperson

1 [R. Ivan Lugo, D.M.D., M.B.A., Chairperson, addressed
2 the dental professional's role in helping the
3 community during the pandemic. He noted the Board has
4 been assured by Commissioner Johnson as soon as the
5 language changes from a federal level that the state
6 of Pennsylvania will join the growing number of states
7 across the nation that allow dentists to vaccinate for
8 COVID. He thanked the commissioner and his team and
9 Board counsel for looking at dental professionals as a
10 key part of the vaccination access to people in
11 Pennsylvania.

12 Chairperson Lugo requested the chairs of at least
13 two committees provide information regarding teeth
14 whitening and Botox between now and the next meeting.]

15 ***

16 Report of Committees - Probable Cause Screening
17 Committee

18 [Alice Hart Hughes, Esquire, Secretary, Public Member,
19 reported the committee met and considered four
20 matters.]

21 ***

22 Expanded Function Dental Assistant Committee

23 [Theresa A. Groody, EFDA, updated the Board regarding
24 Chairperson Lugo's request that her committee look at
25 which states allow specific duties for dental

1 assistants. She stated the Dental Assisting National
2 Board; American Dental Assistants Association; and the
3 American Association of Dental Boards do not have an
4 up-to-date list with specifics regarding regulating
5 Level 1, Level 2, and registered dental assistants
6 (RDAs) but will begin gathering data.

7 Ms. Groody questioned where the general revisions
8 package was concerning the clinical examination for
9 expanded function dental assistants (EFDAs). She
10 noted the Board approved the regulation change and
11 passed it a while ago. She mentioned speaking with
12 the Commission on Dental Competency Assessments
13 (CDCA). She stated there is a hole in the EFDA
14 certification process, where applicants who passed
15 education 10 years ago now want to sit for the exam,
16 and there is no regulation or statute to stop them.]

17 Ms. Walter offered provide information after the
18 meeting.]

19 ***

20 Scope of Traditional and Emerging Practice

21 [Joel S. Jaspán, D.D.S., suggested having a Scope of
22 Practice Committee Meeting to discuss nitrous oxide
23 and lasers regarding dental hygienists prior to the
24 next meeting.

25 Chairperson Lugo encouraged chairs to look at the

1 process of scheduling committee meetings to allow
2 enough time of notice before the next meeting.]

3

4 For the Board's Information/Discussion

5 [R. Ivan Lugo, D.M.D., M.B.A., Chairperson, addressed
6 the 2021 American Dental Association accreditation and
7 site visits in Pennsylvania. He noted Dr. Jaspan will
8 have a site visit at Montgomery County Community
9 College October 19-20, 2021. Ms. Groody will visit
10 the Harrisburg Area Community College (HACC) on
11 November 17-19, 2021.

12 Ms. Burns mentioned that the ADA will provide
13 further details once the confirmation is sent. She
14 questioned whether anyone was available for the
15 Geisinger Medical Center Dental Department April 20,
16 2021 or St. Luke's University Health Network May 4,
17 2021.

18 Dr. Casey volunteered to perform the site visits
19 at those locations. Chairperson Lugo offered to be
20 the alternate.

21 Dr. Funari is a CODA site visitor and recused
22 himself due to a conflict of interest. He offered to
23 provide information concerning what transpires during
24 the site visit and accreditation standards. He
25 further explained that individuals cannot be involved

1 in any site visits within their home state or any
2 educational organization where they have been employed
3 or a student.

4 Dr. Funari noted some changes with the site
5 visits and will provide information after talking to
6 his contacts as to whether an in-state Board examiner,
7 who is also a CODA site visitor, could take part in a
8 site visit.

9 Ms. Burns noted the 2022 proposed meeting dates
10 for the Board's approval.]

11 ***

12 Adjournment

13 CHAIRPERSON LUGO:

14 I entertain a motion to adjourn.

15 MS. GROODY:

16 I make that motion.

17 DR. CASEY:

18 Second.

19 CHAIRPERSON LUGO:

20 Thank you very much.

21 [The motion carried unanimously.]

22 ***

23 [There being no further business, the State Board of
24 Dentistry Meeting adjourned at 11:57 a.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Dentistry meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Dentistry meeting.



Evan Bingaman,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF DENTISTRY
REFERENCE INDEX

March 12, 2021

	TIME	AGENDA
1		Executive Session
2		Open Session
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10		
11	10:49	Official Call to Order
12		
13	10:50	Introduction of Board Members
14		
15	10:52	Approval of Minutes
16		
17	10:53	Report of Prosecutorial Division
18		
19	11:14	Report of Board Counsel
20		
21	11:19	Review of Applications
22		
23	11:20	Report of Board Counsel (Continued)
24		
25	11:37	Report of Board Administrator
26		
27	11:38	Report of Board Chairperson
28		
29	11:45	Report of Committees
30		
31	11:50	For the Board's Information/Discussion
32		
33	11:57	Adjournment
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