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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 TELECONFERENCE**

TIME: 10:58 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

July 10, 2020

State Board of Dentistry
July 10, 2020

BOARD MEMBERS:

K. Kalonji Johnson, Commissioner, Bureau of
Professional and Occupational Affairs
Theodore Stauffer, Executive Assistant, Bureau of
Professional and Occupational Affairs
Brice D. Arndt, D.D.S.
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/Acting Chair,
Public Member
Joel S. Jaspan, D.D.S.
R. Ivan Lugo, D.M.D.
Andrew S. Matta, D.M.D.
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:

Jackie Wiest Lutz, Esquire, Board Counsel
Paul J. Jarabeck, Esquire, Board Prosecution Liaison
Carole Clarke Smith, Esquire, Board Prosecutor
Marc Farrell, Deputy Policy Director, Department of
State
Lisa M. Burns, Board Administrator

1 ***

2
3 State Board of Dentistry

4 July 10, 2020

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act,
7 the Board entered into Executive Session with Jackie
8 Wiest Lutz, Esquire, Board Counsel, for the purpose of
9 conducting quasi-judicial deliberations on a number of
10 matters currently pending before the Board and to
11 receive the advice of counsel prior to commencing the
12 open session.]

13 ***

14 The regularly scheduled meeting of the State
15 Board of Dentistry was held on Friday, July 10, 2020.
16 Alice Hart Hughes, Esquire, Public Member, Acting
17 Chair, called the meeting to order at 10:58 a.m.

18 ***

19 [Alice Hart Hughes, Esquire, Public Member, Acting
20 Chair, welcomed the public and members of the Board
21 and requested Board members introduce themselves.

22 Acting Chair Hughes introduced Dr. Arndt to the
23 Board.

24 Dr. Arndt provided a brief summary of his
25 professional background.]

1 ***

2 Approval of minutes of the May 15, 2020 meeting

3 ACTING CHAIR HUGHES:

4 The first item on the agenda are the
5 minutes from May 15, 2020.

6 Can I have a motion to approve the
7 minutes?

8 DR. MATTA:

9 Motion to approve.

10 ACTING CHAIR HUGHES:

11 Thanks Dr. Matta. Second?

12 MS. MURRAY:

13 Thank you, Ms. Murray. Any additions or
14 corrections?

15 [The Board discussed corrections to the minutes.]

16 ACTING CHAIR HUGHES:

17 Any other corrections? Approving the
18 minutes as amended. All in favor?

19

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

25

1 Any opposed? The minutes from the May
2 15 meeting are approved as amended.
3 [The motion carried. Dr. Arndt abstained from voting
4 on the motion.]

5 ***
6 Approval of minutes of the June 12, 2020 meeting

7 ACTING CHAIR HUGHES:

8 The next item on the agenda are the
9 minutes from the June 12, 2020 meeting.

10 Are there any additions or
11 corrections to those minutes?

12 [The Board discussed corrections to the minutes.]

13 ACTING CHAIR HUGHES:

14 Do I have a motion to accept the minutes
15 as amended?

16 DR. LUGO:

17 So moved.

18 ACTING CHAIR HUGHES:

19 Dr. Lugo, thank you. Second?

20 MS. FOWLER:

21 Second.

22 ACTING CHAIR HUGHES:

23 Thank you. Dr. Arndt, I believe you are
24 abstaining because you were not here.

25

1 Dr. Casey, aye; Ms. Fowler, aye; Dr.
2 Funari, aye; Ms. Groody, aye; Dr.
3 Jaspán, aye; Dr. Lugo, aye; Dr. Matta,
4 aye; Dr. Mountain, aye; Ms. Murray, aye;
5 Ms. Sizemore, aye; and Dr. Sullivan,
6 aye.

7
8 The minutes are approved.
9 [The motion carried. Dr. Arndt abstained from voting
10 on the motion.]

11 ***

12 Report of Prosecutorial Division

13 DR. MOUNTAIN:

14 I move to accept the Consent Agreement
15 at Case No. 17-46-12015.

16 ACTING CHAIR HUGHES:

17 We need a second?

18 DR. JASPAN:

19 Second.

20 ACTING CHAIR HUGHES:

21 Call the question beginning with
22 Dr. Arndt.

23
24 Dr. Arndt, aye; Dr. Casey, aye; Ms.
25 Fowler, aye; Dr. Funari, aye; Ms.

1 Groody, aye; Dr. Jaspan, aye; Dr. Lugo,
2 aye; Dr. Matta, aye; Dr. Mountain, aye;
3 Ms. Murray, recuse; Ms. Sizemore, aye;
4 and Dr. Sullivan, aye.

5

6 [The motion carried. Ms. Murray recused herself from
7 deliberations and voting on the motion. The name of
8 the Respondent is Jill Eugenia Garman, RDH, PHDHP.]

9

10 MS. MURRAY:

11 I move to accept the Consent Agreement
12 at File No. 20-46-005001.

13 MS. GROODY:

14 Second.

15 ACTING CHAIR HUGHES:

16 Call the question beginning with Dr.
17 Arndt.

18

19 Dr. Arndt, aye; Dr. Casey, aye; Ms.
20 Fowler, aye; Dr. Funari, aye; Dr.
21 Jaspan, aye; Ms. Groody, aye; Dr. Lugo,
22 aye; Dr. Matta, aye; Dr. Mountain, aye;
23 Ms. Murray, aye; Ms. Sizemore, aye; and
24 Dr. Sullivan, aye.

25 [The motion carried unanimously.]

1 ***

2 MS. GROODY:

3 I move to approve the Consent Agreement
4 for Case No. 19-46-001702.

5 ACTING CHAIR HUGHES:

6 Second?

7 DR. SULLIVAN:

8 Second.

9 ACTING CHAIR HUGHES:

10 Call the question beginning with Dr.
11 Arndt.

12

13 Dr. Arndt, aye; Dr. Casey, aye; Ms.
14 Fowler, aye; Dr. Funari, aye; Ms.
15 Groody, aye; Dr. Jaspán, aye; Dr. Lugo,
16 aye; Dr. Matta, aye; Dr. Mountain, aye;
17 Ms. Murray, aye; Ms. Sizemore, aye; and
18 Dr. Sullivan, aye.

19 [The motion carried unanimously. The name of the
20 Respondent is Vijayalakshmi Natarajan Jesson, DDS.]

21

22 DR. JASPAN:

23 I move to accept the Consent Agreement
24 for File No. 19-46-015756.

25 ACTING CHAIR HUGHES:

1 Second?

2 MS. GROODY:

3 Second.

4 ACTING CHAIR HUGHES:

5 Call the question beginning with Dr.
6 Arndt.

7

8 Dr. Arndt, aye; Dr. Casey, aye; Ms.
9 Fowler, aye; Dr. Funari, aye; Ms.
10 Groody, aye; Dr. Jaspan, aye; Dr. Lugo,
11 aye; Dr. Matta, aye; Dr. Mountain, aye;
12 Ms. Murray, aye; Ms. Sizemore, aye; and
13 Dr. Sullivan, aye.

14 [The motion carried unanimously. The name of the
15 Respondent is Bradford Scott Jungels, DMD.]

16

17 MS. SIZEMORE:

18 I move to accept the Consent Agreement
19 for Case No. 20-46-004732.

20 MS. GROODY:

21 Second.

22 ACTING CHAIR HUGHES:

23 Call the question beginning with Dr.
24 Arndt.

25

1 Dr. Arndt, aye; Dr. Casey, aye; Ms.
2 Fowler, aye; Dr. Funari, aye; Ms.
3 Groody, aye; Dr. Jaspan, aye; Dr. Lugo,
4 aye; Dr. Matta, aye; Dr. Mountain, aye;
5 Ms. Murray, aye; Ms. Sizemore, aye; and
6 Dr. Sullivan, aye.

7 [The motion carried unanimously. The name of the
8 Respondent is Terry Francis Rakowsky, DDS.]

9 ***

10 DR. FUNARI:

11 In Case No. 20-46-001306, I move that
12 the Board grant the Motion to Enter
13 Default and Deem Facts Admitted and that
14 Board Counsel be directed to prepare and
15 Adjudication and Order in accordance
16 with our discussion in Executive
17 Session.

18 ACTING CHAIR HUGHES:

19 Second?

20 DR. MOUNTAIN:

21 Second.

22 ACTING CHAIR HUGHES:

23 Call the question, Dr. Arndt.

24

25 Dr. Arndt, aye; Dr. Casey, aye; Ms.

1 Fowler, aye; Dr. Funari, aye; Ms.
2 Groody, aye; Dr. Jaspan, aye; Dr. Lugo,
3 aye; Dr. Matta, aye; Dr. Mountain, aye;
4 Ms. Murray, aye; Ms. Sizemore, aye; and
5 Dr. Sullivan, aye.

6 [The motion carried unanimously. The name of the
7 Respondent is Avijit Goel, DDS.]

8 ***

9 DR. SULLIVAN:

10 In the matter of Amanda S. Neiswender,
11 EFDA, Case No. 19-46-008644, I make a
12 motion to Enter Default and Deem Facts
13 Admitted and direct Board counsel to
14 prepare, in accordance with our
15 discussions in Executive Session, an
16 Adjudication and Order.

17 MS. GROODY:

18 Second.

19 ACTING CHAIR HUGHES:

20 Call the question, Dr. Arndt.

21

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

1 Groody, aye; Dr. Jaspan, aye; Dr. Lugo,
2 aye; Dr. Matta, aye; Dr. Mountain, aye;
3 Ms. Murray, aye; Ms. Sizemore, aye; and
4 Dr. Sullivan, aye.

5 [The motion carried unanimously.]

6 ***

7 MS. SIZEMORE:

8 I move that the Board adopt the
9 Adjudication and Order as presented by
10 Board counsel in the case of Murray M.
11 Reefer, DDS, Case No. 17-46-04110, and
12 prepare the Board's final order.

13 MS. GROODY:

14 Second.

15 ACTING CHAIR HUGHES:

16 Call the question.

17

18 Dr. Arndt, aye; Dr. Casey, aye; Ms.
19 Fowler, aye; Dr. Funari, aye; Ms.
20 Groody, aye; Dr. Jaspan, aye; Dr. Lugo,
21 aye; Dr. Matta, aye; Dr. Mountain, aye;
22 Ms. Murray, aye; Ms. Sizemore, aye; and
23 Dr. Sullivan, aye.

24 [The motion carried unanimously.]

25 ***

1 DR. CASEY:

2 I move to Petition to Vacate the Board
3 A&O of Daniel P. Schecter, DMD, and move
4 Board counsel to be directed to prepare
5 an Adjudication and Order consistent
6 with discussions in Executive Session.

7 DR. FUNARI:

8 Second.

9 ACTING CHAIR HUGHES:

10 Call the question.

11

12 Dr. Arndt, aye; Dr. Casey, aye; Ms.
13 Fowler, aye; Dr. Funari, aye; Ms.
14 Groody, aye; Dr. Jaspán, aye; Dr. Lugo,
15 aye; Dr. Matta, aye; Dr. Mountain, aye;
16 Ms. Murray, aye; Ms. Sizemore, aye; and
17 Dr. Sullivan, aye.

18 [The motion carried unanimously.]

19

20 Report of Board Counsel

21 [Jackie Wiest Lutz, Esquire, Board Counsel, noted the
22 status of outstanding regulations for the Board's
23 review.

24 Ms. Lutz referred to § 33.107a regarding licensure
25 by endorsement under Act 41 of the proposed annex.

1 She noted that majority of the language was directly
2 from the statute. She questioned whether the Board
3 wanted to add additional requirements to the
4 competency portion, requiring Act 41 applicants to
5 achieve a passing score in a Board-approved skills
6 examination. She stated the Board has the ability to
7 decide what is substantially equivalent.

8 Ms. Lutz explained that Act 41 language requires
9 applicants to demonstrate competence through methods
10 determined by the Board, including having completed
11 continuing education or having experience in the
12 profession or occupation for at least two of the five
13 years preceding the date of the application. She
14 noted the law requires either or but noted the Board
15 could require both.

16 Acting Chair Hughes questioned whether two of the
17 last five years was equivalent to continuing education
18 within the last 24 months in order to grant someone a
19 license.

20 Several of the Board members commented that both
21 of those would be required to demonstrate competence.

22 Acting Chair Hughes commented that the Board
23 wanted to grant licenses in an expeditious way but
24 want people to have the same qualifications when they
25 come to Pennsylvania, which is why two of five years

1 practice plus the continuing education plus the test
2 is the desire of the dentists.

3 Ms. Lutz emphasized that the statutory
4 requirement of qualifications for licensure was being
5 substantially equivalent, not equivalent.

6 Marc Farrell, Deputy Policy Director, Department
7 of State, explained the legislation as jurisdiction
8 requirements substantially equivalent to Pennsylvania
9 requirements and individual competency. He commented
10 that the Board will have a difficult time getting a
11 regulation package approved by the governor's policy
12 office that has "and/and" in the competency piece. He
13 noted it would be making it harder for a military
14 spouse or someone with other circumstances to get a
15 license.

16 Ms. Lutz further explained that a regular
17 licensee, if applying for initial licensure, would not
18 be showing continuing education, because that is shown
19 after someone holds a license and renewing their
20 license.

21 Dr. Lugo requested further explanation of why Act
22 41 having an "or" would waive somebody from
23 requirements required for any applicant.

24 Ms. Lutz explained that an applicant approved
25 under Act 41 would be required to adhere to the

1 continuing education requirements of the act and
2 regulations upon renewal time for that license, just
3 as any regular applicant who holds a license in
4 Pennsylvania.

5 Dr. Funari mentioned seeing multiple military
6 families have to jump through hoops to get a license
7 to practice because they had a lapse of a couple of
8 years within that five-year period. He recommended
9 the requirements should be practicing two of the last
10 five years and maintaining CE requirements for their
11 particular license.

12 Dr. Lugo noted still being comfortable with not
13 having some kind of clinically substantially
14 equivalent proof as to coming in as an applicant for
15 either the regular or Act 41.

16 Commissioner Johnson commented that his
17 understanding of Act 41 was that the individual met
18 the first prong, which is the substantially equivalent
19 jurisdiction. He also commented that the individual's
20 competence would be determined by either an active
21 license for two of the last five years or completion
22 of the continuing education requirements.

23 Commissioner Johnson believed that imposing the
24 testing requirement on top of that when the testing
25 requirement was part of the substantial equivalence

1 determination puts individuals at a disadvantage.

2 Dr. Matta noted the Board was bypassing the
3 purpose of Act 41, which is the ability for dentists
4 to have licensure across other states.

5 Dr. Arndt stated the first two variables should
6 be an "and." He also stated a competency test would
7 not be necessary.

8 Dr. Jaspan agreed with Dr. Arndt and what
9 Commissioner Johnson said would be inhibiting. He
10 also recommended using the word "and" along with not
11 requiring the competency because individuals would
12 have a substantially equivalent license.

13 Commissioner Johnson further explained that an
14 individual up for renewal that had not completed their
15 CE would be subject to discipline, but not necessarily
16 subject to revocation.

17 Commissioner Johnson stated the provisional
18 license would provide an avenue for an individual
19 coming from another state that may have 21 out of the
20 24 credits, and the deficiency itself was not
21 substantial because the individual can provide proof
22 of an active practice and otherwise have an active and
23 undisciplined license in terms of criminal activity
24 license, which is where the legislature provided the
25 avenue for the provisional license.

1 Commissioner Johnson also noted the substantial
2 equivalence determination would be up to the Board for
3 jurisdictions that lie outside of the United States
4 and its territories.

5 Ms. Lutz explained that the substantial
6 equivalent requirement must be met first to the
7 satisfaction of the Board and then the individual must
8 demonstrate competency.

9 Ms. Burns stated, under the current regulation,
10 the Board accepts the clinical exam for a period of up
11 to five years unless the individual had been actively
12 engaged in the practice of their profession in another
13 state or jurisdiction, so someone who got out of
14 school, was not licensed in another state, and no
15 active practice for three years and then applied to
16 the Board based on that criteria would be issued a
17 license without completing any CE until their renewal
18 period.

19 Ms. Burns also commented, because of the
20 regulations, the individual is technically exempt from
21 CE their first renewal period and would not have to
22 complete the CE until their second biennial renewal.

23 Ms. Burns further explained there are applicants
24 applying for licensure by examination who do not hold
25 a license in another state and are not working, where

1 the Act 41 applicant would have been actively engaged
2 in the practice of their profession for at least two
3 of the last five years. She noted the Board would be
4 imposing a stricter requirement on those individuals
5 versus other applicants.

6 Ms. Burns mentioned that these individuals are no
7 different than a person who does not have a license in
8 another state, went through school, took the exam
9 within the last five years, did not get a license or
10 practice for the first three years after they
11 completed their education and exam, and then applied
12 for licensure in Pennsylvania. She stated the
13 applicant would be granted a license with no CE.

14 Ms. Burns mentioned the dental hygiene
15 application the Board evaluated and approved today on
16 the basis of Act 41 had no CE requirement.

17 Acting Chair Hughes stated the intent of Act 41
18 is to make it easier for folks who have been in the
19 practice, who are in the military or whatever their
20 situation is, to come to Pennsylvania without
21 demonstrating what would typically be demonstrated as
22 an initial applicant.

23 Ms. Burns commented that none of the Act 41
24 licenses issued, which were evaluated by either the
25 Act 41 Committee and/or the Board and not just in-

1 house staff, were required to meet the CE component.

2 Acting Chair Hughes questioned whether someone
3 with continuing education within the 24 months would
4 be sufficient to grant that Act 41 license if they
5 have a license with similar requirements from another
6 jurisdiction.

7 Dr. Funari recommended not using the CE
8 requirement as the sole determinate of issuing an Act
9 41 license. He suggested requiring a certain amount
10 of hands-on time with a stipulation of how many hours
11 per year qualifies as a qualified year for the Board.

12 Acting Chair Hughes was not sure that could be
13 done because it was not in the current licensing
14 regulations. She again questioned whether active
15 practice in two of the last five years is equivalent
16 to continuing education in demonstrating someone's
17 competency. She does not believe those two are
18 equivalent and requested opinions from the dentists,
19 hygienists, and expanded function dental assistants
20 (EFDAs).

21 Dr. Lugo commented that one is didactic and the
22 other one is a clinical competency, having motor
23 skills to be able to perform a dental procedure that
24 requires hand-eye coordination.

25 Ms. Lutz referred to Ms. Burns' point earlier,

1 where the Board was making it harder for someone who
2 is licensed in another jurisdiction and practiced
3 during the last five years to get a Pennsylvania
4 license when someone who has no license at all can get
5 a Pennsylvania license and not take any CE for
6 basically 4 years. She stated it will be difficult to
7 make their requirements for Act 41 more stringent than
8 what the legislature intended.

9 Ms. Lutz suggested voting on the language, "and"
10 or "or" and sending it out an exposure draft to allow
11 stakeholders and interested parties to comment.

12 Ms. Lutz provided a summary of the options
13 discussed, including keeping the "or" between two of
14 the last five years or completion of continuing
15 education. She also noted someone posited changing
16 the "or" to "and," so the Board requires two of the
17 last five years of practice and completion.

18 Ms. Lutz did not think requiring individuals
19 achieve a passing score in a Board-approved skills
20 examination is going to have luster because the
21 legislature is clear in the act. She again noted
22 options on the table, keep the "or" as is. She noted
23 somebody posited to get rid of the continuing
24 education line and have them demonstrate competency by
25 showing experience in the profession for at least two

1 of the five years immediately preceding the
2 application. She also noted changing the "or" to
3 "and."

4 Acting Chair Hughes noted the Board had decided
5 the annex as written was not acceptable. She noted
6 options to be the annex as written removing continuing
7 education altogether, so demonstrating competency is
8 achieved by two of five years' active practice or
9 successful completion of an exam.

10 Commissioner Johnson suggested releasing the
11 exposure draft as written with all of the language
12 intact minus the parenthetical. He also suggested
13 having the public review the language, give their
14 feedback, and then discuss that feedback.

15 Commissioner Johnson stated altering the draft
16 now would not get the same level of discussion from
17 the public, because they would not be privy to the
18 current discussion unless they were at the Board
19 meeting or had access to the minutes.

20 Acting Chair Hughes questioned whether everyone
21 thinks the most expeditious action for the Board would
22 be to send it out for exposure and await the comments
23 before trying to fine-tune the language. She stated,
24 by way of plurality, the annex should be put forward
25 as is and await public comment.

1 Ms. Lutz noted also deleting the parenthetical in
2 § 33.107a(a)(2)(iii), so it is going to read "or, "or"
3 but are removing "if board/commission desires this
4 option."

5 Ms. Lutz will send the draft out to stakeholders
6 and interested parties for comment.]

7 ***

8 MR. JOHNSON:

9 I would move that we release an exposure
10 draft as drafted by Board counsel minus
11 the parenthetical language.

12 DR. LUGO:

13 Second.

14 ACTING CHAIR HUGHES:

15 Call the question, Dr. Arndt.

16

17 Dr. Arndt, nay; Dr. Casey, aye; Ms.
18 Fowler, nay; Dr. Funari, aye; Ms.
19 Groody, aye; Dr. Jaspan, nay; Dr. Lugo,
20 nay; Dr. Johnson, aye; Dr. Matta, aye;
21 Dr. Mountain, aye; Ms. Murray, nay; Ms.
22 Sizemore, nay; and Dr. Sullivan, aye.

23 DR. LUGO:

24 I withdraw my second.

25

1 last activation to ensure that all permit holders have
2 up-to-date clinical requirements.

3 Ms. Groody explained that the whole point of
4 Helen's letter was to remind the Board that it was
5 just missing or lacking.

6 Ms. Lutz commented that Ms. Hawkey also mentioned
7 § 33.211(a), (b), and (c) regarding unprofessional
8 conduct to include the following language: knowingly
9 or unknowingly engaging in or permitting a pervasive
10 pattern of 1) refusal to accept patients into their
11 practice or 2) denying dental service to patients
12 because of a patient's actual or perceived disability.

13 Acting Chair Hughes, anyone in disagreement with
14 that comment.

15 Ms. Lutz referred to Ms. Hawkey's and Achieva's
16 comments recommending language to read, "referral to
17 patients with disabilities cannot be made solely on
18 the basis of the dental professional personal comfort
19 level but rather require a scientific basis and such
20 referrals must be made to a clinic or practitioner
21 with more experience treating patients with
22 disabilities."

23 Dr. Arndt mentioned the importance of the
24 provider having a level of comfort and expertise to be
25 able to provide the service that is necessary. He

1 believed the reason for the letter was trying to
2 improve access to care. He mentioned working on
3 trying to get assignment of benefits for practitioners
4 who are not participating, whether it is medical
5 assistance or the Children's Health Insurance Program
6 (CHIPS), noting the legislature failed to pass that at
7 this point, which limits the number of practitioners
8 who participate with the program.

9 Dr. Arndt commented that nonparticipating doctors
10 do not get paid if they perform services on medical
11 assistance patients. He also commented that the
12 guardian gets paid and the provider does not in the
13 case of CHIPS).

14 Dr. Casey stated Casey Dental had been managing a
15 special needs disability clinic for over 10 years. He
16 commented that somebody can have the disability of
17 walking and need wheelchair assistance but can talk to
18 you with no problem, and there are ones who are
19 nonverbal. He noted it to be very limited in the
20 state and referring patients to Philadelphia, Wilkes-
21 Barre, and Scranton due to their disability.

22 Dr. Casey mentioned that some providers and staff
23 may get nervous treating these folks or not be trained
24 on treating patients with special needs and
25 disabilities.

1 Dr. Casey mentioned a big move now, where part of
2 dentistry is trying to create their own "specialty" in
3 special needs/geriatric dentistry because they feel
4 strongly about it. He noted respecting the way the
5 comment was stated but did not agree with it.

6 Ms. Lutz noted it might be best to just leave the
7 last recommendation out, noting the consensus was the
8 Board did not agree with adding language requiring
9 referral could not be made solely on the basis of
10 personal comfort but must require a scientific basis,
11 et cetera.

12 Ms. Lutz will make the appropriate revisions to
13 the annex for the Board's review at the next meeting.]

14 ***

15 Correspondence from the Pennsylvania Dental

16 Association - Telemedicine

17 [Jackie Wiest Lutz, Esquire, Board Counsel, addressed
18 correspondence from the Pennsylvania Dental
19 Association requesting § 33.203(d)(1)(i) include all
20 dental specialties now recognized by the American
21 Dental Association, so the list reflects that of the
22 National Commission on Recognition of Dental
23 Specialties and Certifying Boards for purposes of
24 advertising.

25 Dr. Lugo commented that the term "specialty" is

1 no longer used in dentistry and "advanced education
2 program" should be utilized to be consistent with the
3 profession.

4 Ms. Lutz stated the regulations propose to delete
5 the list that is current in the regulations. She
6 noted the regulations state that the area must be
7 recognized by the Board as a dental specialty. The
8 Board has adopted the American Dental Association's
9 standards for recognition of dental specialties and
10 National Certifying Boards for Dental Specialists.

11 Ms. Lutz mentioned the Board is proposing to
12 delete the list of specialties, and PDA was proposing
13 that that the Board include the complete list they
14 recommend.

15 Dr. Funari mentioned being an examiner for the
16 Commission on Dental Accreditation (CODA), noting the
17 elimination of the term "specialty" from its
18 documentation, policies, and other materials. He
19 explained that CODA was using the term "advanced
20 education programs" when referring to disciplines
21 within education to clarify the CODA-accredited
22 educational programs but does not designate
23 disciplines in dentistry that are specialists.

24 Dr. Funari stated Dr. Tauberg was trying to bring
25 documentation in line with what the ADA recognizes as

1 specialties, and CODA really would not come into play
2 here. It would not have an effect on what the ADA had
3 approved as dental specialties.

4 Acting Chair Hughes noted the Board opted to take
5 the specific listing out because it changes frequently
6 and would require frequent changes to regulations and
7 recommended mirroring the same for advertising.

8 Dr. Lugo clarified that CODA should be utilized
9 when talking about vast education programs, and ADA
10 should not be on the regulations. He stated ADA does
11 not have purview when it comes to this particular
12 area, noting that CODA recognizes advanced education
13 programs.

14 Ms. Lutz questioned whether the Board was
15 requesting language in the current proposed annex
16 § 33.203(d)(1)(i) to change, where it states the area
17 must be recognized by the Board as a dental specialty.

18 Mr. Lugo explained that nationally they are
19 moving away from advanced education programs, but if
20 it is at the Board level, it could be called specialty
21 or advanced education program.

22 Dr. Funari further explained that the ADA was
23 getting away from designating specialties because it
24 was now done by the National Commission on Recognition
25 of Dental Specialties, and they also approve the

1 certifying Boards for those specialties.

2 Dr. Lugo recommended utilizing the correct
3 language for referencing to identify an accepted
4 advanced program.

5 Ms. Lutz noted not including the list and
6 referring to CODA-advanced education.

7 Dr. Funari disagreed with eliminating the list
8 and recommended identifying the controlling authority.

9 Ms. Lutz, referred to comments by the Dental
10 Advancement through Learning and Education (DALE)
11 Foundation requesting a technical correction be made
12 to § 33.403(a)(13) to reflect the DALE Foundation
13 because of the name change.

14 Ms. Lutz will make corrections to the annex and
15 present it for review at the next meeting. She will
16 also try to prepare the draft preamble, so the Board
17 can read the annex in conjunction with the rationale
18 for making the changes.

19 Ms. Lutz referred to the final preamble regarding
20 16A-4633 PHDHP practice sites. She noted
21 incorporating all of the comments she received in the
22 preamble after that was sent out as a SharePoint.]

23 ***

24 MS. LUTZ:

25 At this time, I am going to ask for a

1 motion to approve the preamble as
2 presented and to direct counsel to move
3 this regulation through the final
4 rulemaking process.

5 DR. LUGO:

6 I so move your motion.

7 MS. FOWLER:

8 Second.

9 ACTING CHAIR HUGHES:

10 Any other comments? Call the question.

11

12 Dr. Arndt, aye; Dr. Casey, aye; Ms.
13 Fowler, aye; Dr. Funari, aye; Ms.
14 Groody, aye; Dr. Jaspan, aye; Dr. Lugo,
15 aye; Mr. Johnson, aye; Dr. Mountain,
16 aye; Ms. Murray, aye; Ms. Sizemore, aye;
17 and Dr. Sullivan, aye.

18 [The motion carried unanimously.]

19

20 [Jackie Wiest Lutz, Esquire, Board Counsel, noted the
21 commonwealth court opinion for the Board's
22 information.

23 Ms. Lutz provided a status of cases for the
24 Board's review.

25 Ms. Lutz referred to House Bill 2636, which

1 prohibits enforcement of covenants not to compete in
2 healthcare practitioner employment agreements. She
3 also referred to House Bill 2645 authorizing the
4 regulation of teledentistry by the State Board of
5 Dentistry and providing insurance coverage for
6 teledentistry. She stated both bills were referred to
7 committee on June 29.]

8 ***

9 Report of Board Chair - No Report

10 ***

11 Report of Commissioner

12 [K. Kalonji Johnson, Commissioner, Bureau of
13 Professional and Occupational Affairs, expressed his
14 gratification and appreciation to Board members during
15 the transition to the virtual platform. He noted the
16 hard work the regulated community was doing. He
17 stated the Bureau of Professional and Occupational
18 Affairs (BPOA) continues to pray for their safety and
19 well-being.

20 Commissioner Johnson also thanked Ms. Burns
21 regarding the application process and program staff in
22 keeping communications open. He also thanked
23 stakeholders for being active voices throughout the
24 pandemic.

25 Commissioner Johnson welcomed Dr. Arndt to the

1 Board. He complemented the Board, noting them to be a
2 robust group of professionals and public members.]

3 ***

4 Report of Board Administrator - No Report

5 ***

6 Report of Act 41 - No Report

7 ***

8 Report of Expanded Function Dental Assistant - No
9 Report

10 ***

11 Licensure Committee - No Report

12 ***

13 Newsletter Committee - No Report

14 ***

15 Probable Cause Screening Committee

16 [Amber Sizemore, Esquire, Office of Attorney General,
17 reported the committee considered one probable cause
18 screening matter since the last meeting.]

19 ***

20 Regulations/Legislative Review Committee

21 [R. Ivan Lugo, D.M.D., thanked committee and public
22 members, the Commissioner and Ms. Lutz for
23 facilitating the SharePoint transfer from traditional
24 to virtual, allowing the rest of the members to be
25 able to contribute in delivering the vote today.]

1 Ms. Lutz mentioned House Bill 2645 regarding
2 teledentistry, noting adopting regulations was
3 something for the committee to think about for the
4 future, so the Board can be ready to go if that bill
5 should pass.]

6

7 Scope of Practice Committee - No Report

8 [Joel S. Jaspán, D.D.S., questioned whether a
9 committee would need to look at House Bill 2636.

10 Dr. Matta commented that he would be happy to
11 schedule a committee meeting for a discussion between
12 now and the next Board meeting.

13 Ms. Burns will submit the meeting for approval.

14 Dr. Matta called attention to the governor's
15 order passed in May regarding the ability for
16 professionals and dentists to be able to perform tests
17 during the COVID crisis.]

18

19 Review of Applications

20 MS. MURRAY:

21 I move to accept the application of
22 dental hygiene licensure and grant a
23 license under Act 41 for Manuela
24 Karpenkopf Barreto.

25 MS. GROODY:

1 Second.

2 ACTING CHAIR HUGHES:

3 Call the question.

4

5 Dr. Arndt, aye; Dr. Casey, aye; Ms.
6 Fowler, aye; Dr. Funari, aye; Ms.
7 Groody, aye; Dr. Jaspan, aye; Dr. Lugo,
8 aye; Dr. Matta, aye; Dr. Mountain, aye;
9 Ms. Murray, aye; Ms. Sizemore, aye; and
10 Dr. Sullivan, aye.

11 [The motion carried unanimously.]

12

13 MS. GROODY:

14 I move to deny the application for
15 certification as an EFDA for Act 41
16 consideration for both Azra Hadzovic and
17 Emilie Kathryn Hebel.

18 DR. FUNARI:

19 Second.

20 ACTING CHAIR HUGHES:

21 Call the question.

22

23 Dr. Arndt, aye; Dr. Casey, aye; Ms.
24 Fowler, aye; Dr. Funari, aye; Ms.
25 Groody, aye; Dr. Jaspan, aye; Dr. Lugo,

1 MS. GROODY:

2 Second.

3 ACTING CHAIR HUGHES:

4 Are there any other nominations?

5 Hearing none. I will close the

6 nominations, and we will vote by

7 acclamation. All in favor of Dr. Lugo

8 serving as Board chair?

9 Congratulations Dr. Lugo. You are

10 now Board chair.

11 [The motion carried unanimously.]

12 ***

13 [K. Kalonji Johnson, Commissioner, Bureau of

14 Professional and Occupational Affairs, congratulated

15 Dr. Lugo.

16 Commissioner Johnson thanked Acting Chair Hughes

17 for her leadership through the transitory period.]

18 ***

19 National Board Dental Hygiene Examination - Short Form

20 Examination

21 [Lisa M. Burns, Board Administrator, questioned

22 whether the Board would accept the short form of the

23 National Board Dental Hygiene Examination.

24 Ms. Groody explained, being the only educator

25 that has a hygiene program at their college and as a

1 member of the Board, that it was a quicker path to get
2 people licensed instead of scheduling in the backlog.

3 Ms. Burns commented that the short form was only
4 available in 2020 in response to the circumstances
5 surrounding COVID-19.

6 Dr. Lugo recommended having the Licensure
7 Committee comment on it and suggest something to the
8 Board.

9 Ms. Burns expressed her concern with score
10 information not containing documentation of whether
11 someone took a short form or long-form version when
12 accessing reports from the ADA HUB, which would then
13 require staff to put the onus back on the applicant to
14 retrieve the information from the ADA Joint
15 Commission.]

16 ***

17 DR. ARNDT:

18 I make the motion that the time is
19 appropriate to accept that short form
20 because what it is stating is that it is
21 a pass or a fail so then it is
22 regardless of whether or not it is a
23 short form or a long form.

24 At least during this pandemic part,
25 we can get more constituents taken care

1 of with services by new hygienists.

2 ACTING CHAIR HUGHES:

3 Is there a second to that motion?

4 DR. FUNARI:

5 Second.

6 ACTING CHAIR HUGHES:

7 Call the question. Please, Dr. Arndt,
8 would you begin?

9

10 Dr. Arndt, aye; Dr. Casey, aye; Ms.
11 Fowler, aye; Dr. Funari, aye; Ms.
12 Groody, aye; Dr. Jaspan, aye; Dr. Lugo,
13 aye; Dr. Mountain, aye; Ms. Murray, aye;
14 Ms. Sizemore, aye; and Dr. Sullivan,
15 aye.

16 [The motion carried unanimously.]

17

18 ACTING CHAIR HUGHES:

19 I make a motion to adjourn the meeting.

20 DR. LUGO:

21 So moved.

22 DR. FUNARI:

23 Second.

24 ACTING CHAIR HUGHES:

25 Thanked everyone for allow her to lead

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the group today and wished Dr. Lugo all
the best.

We are adjourned.

[The motion carried unanimously.]

[There being no further business, the State Board of
Dentistry Meeting adjourned at 1:41 p.m.]

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

July 10, 2020

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8	10:58	Official Call to Order
9		
10	11:04	Approval of Minutes
11		
12	11:08	Approval of Minutes
13		
14	11:14	Report of Prosecutorial Division
15		
16	11:29	Report of Board Counsel
17		
18	12:55	Correspondence
19		
20	1:10	Report of Board Counsel (Continued)
21		
22	1:21	Report of Committees
23		
24	1:28	For the Board's Information/Discussion
25		
26	1:41	Adjournment
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