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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

TIME: 9:02 A.M.

PENNSYLVANIA DEPARTMENT OF STATE
Board Room B
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

July 28, 2017

1 State Board of Dentistry

2 July 28, 2017

3
4 BOARD MEMBERS:

5
6 John F. Erhard III, D.D.S., Chairperson
7 Kathryn Waters, Deputy Commissioner of Professional
8 and Occupational Affairs
9 Katelin Lambert, Director of Operations, designee,
10 Commissioner, Professional and Occupational
11 Affairs
12 Mariellen Brickley-Raab, R.D.H., Secretary
13 Shawn M. Casey, D.M.D.
14 David J. Dattilo, D.D.S.
15 Lisa P. Deem, D.M.D., J.D.
16 John E. DeFinnis, D.D.S.
17 Barbara (Bonnie) L. Fowler, Public Member
18 Theresa A. Groody, EFDA
19 Alice Hart Hughes, Esquire, Public Member
20 Andrew S. Matta, D.M.D.
21 Arlene G. Seid, M.D., M.P.H., Department of Health
22 Rebecca Zehring, Office of Attorney General
23

24 BUREAU PERSONNEL:

25
26 Kerry E. Maloney, Esquire, Board Counsel
27 Paul J. Jarabeck, Esquire, Board Prosecution
28 Liaison
29 Lisa M. Burns, Board Administrator
30

31 ALSO PRESENT:

32
33 Christopher J. Walinski, D.D.S., Executive Director,
34 World Clinical Laser Institute
35 Debra Barr, Dental Hygienist, PHDHP
36 Donna Shenegrid, Dental Hygienist, PHDHP
37 Jim Miller, Esquire, Prosecuting Attorney
38 Michael Kaner, D.M.D., Pennsylvania Academy of General
39 Dentistry
40 Richard Knowlton, D.M.D., Pennsylvania
41 Academy of General Dentistry
42 John Baleff, D.M.D., Department of Corrections
43 Andrew Stewart, Pennsylvania Academy of General
44 Dentistry
45 Kathleen Bumpers, Pennsylvania Dental Association
46 Steve Neidlinger, CAE, Pennsylvania Academy of General
47 Dentistry
48 Andrew Hardy, Pennsylvania Medical Society
49 Nick Kratz, Capital Associates
50

1 ***

2 State Board of Dentistry

3 July 28, 2017

4 ***

5 The regularly scheduled meeting of the State
6 Board of Dentistry was held on Friday, July 28, 2017.
7 John F. Erhard III, D.D.S., Chairperson, called the
8 meeting to order at 9:02 a.m. Kathryn Waters, Deputy
9 Commissioner, and Katelin Lambert, Director of
10 Operations, were not present at the commencement of
11 the meeting. Dr. Erhard welcomed Alice Hart Hughes,
12 Esquire, who was reappointed as a public member.

13 ***

14 Introduction of Board and Audience

15 [Chairperson Erhard requested the introduction of
16 Board and audience members.]

17 ***

18 Approval of Minutes of the May 19, 2017 meeting

19 CHAIRPERSON ERHARD:

20 Are there any additions or corrections
21 to the last meeting?

22 [The Board discussed corrections to the Minutes.]

23 CHAIRPERSON ERHARD:

24 That being said, I need a motion to
25 approve the meetings as amended.

1 DR. SEID:

2 So moved.

3 DR. DEFINNIS:

4 Second.

5 CHAIRPERSON ERHARD:

6 All in favor? Opposed, the same. Thank
7 you.

8 [The motion carried. Alice Hart Hughes, Esquire, Dr.
9 Andrew S. Matta, and Dr. David J. Dattilo abstained
10 from voting on the motion.]

11 ***

12 Report of Prosecutorial Division

13 [Paul J. Jarabeck, Esquire, Board Prosecutor,
14 presented Consent Agreements for File No. 15-46-00025
15 and File No. 15-46-04756.]

16 ***

17 [Paul J. Jarabeck, Esquire, Board Prosecutor, on
18 behalf of John D. Kelly, Esquire, presented Consent
19 Agreements for File No. 13-46-05456, File No. 14-46-
20 12565, File No. 15-46-08193, File No. 16-46-04367, and
21 File No. 16-46-11155.]

22 ***

23 [Paul J. Jarabeck, Esquire, on behalf of Lindsay
24 Dearing Szymanski, Esquire, presented a Consent
25 Agreement for File No. 13-46-07347.]

1

2

[Kathryn L. Waters, Deputy Commissioner, entered the meeting at 9:32 a.m.]

4

5

Report of Board Counsel

6

Status of Regulations and Public Health Dental Hygiene Practitioner

8

[Kerry E. Maloney, Esquire, Board Counsel, referred to the Regulatory Status Report for further discussion.

10

He updated the Board on the status of the pending regulatory packages.

12

Mr. Maloney discussed the Expansion of PHDHP

13

Practice Sites Proposed Annex, 16A-4633. He requested the Board consider whether or not to move forward with mobile dental vans.]

16

17

[Mariellen Brickley-Rabb, R.D.H., Secretary, exited the meeting at 9:38 a.m. and reentered the meeting at 9:40 a.m.]

20

21

[Mr. Maloney noted two Adjudications and Orders and one Petition to be discussed during Executive Session. There was discussion regarding the status of the tooth whitening policy statement.

25

He addressed concerns regarding Act 60, foreign

1 licensing, volunteer licensing, and restricted faculty
2 licensing.

3 There was discussion with regard to the scope of
4 practice of public health dental hygiene
5 practitioners.

6 Chairperson Erhard noted the importance of
7 supervision, public welfare, and public protection.

8 Dr. Casey expressed his concerns with the open-
9 ended statements and suggested there be further
10 clarification of the definition.

11 Ms. Fowler stated healthcare is evolving to be
12 more holistic and expressed her support of providing
13 dental services in a physician office.

14 Ms. Zehring discussed the consumer protection
15 standpoint, financial aspect, and insurance issues.

16 Mr. Maloney discussed options for the Board with
17 regard to proceeding with the draft relating to
18 locations where a public health dental hygiene
19 practitioner.]

20 DR. CASEY:

21 I make a motion to omit 11, an office or
22 a clinic of a physician who is licensed
23 by the State Board of Medicine or State
24 Board of Osteopathic Medicine.

25 MR. MALONEY:

1 I presume that motion is to move forward
2 with everything else except for
3 paragraph 11. Is that fair to say? I
4 just want to make sure we have a clear
5 motion on the record?

6 DR. SEID:

7 What if I just move to set ---?

8 CHAIRPERSON ERHARD:

9 We have a motion. Is anyone interested
10 in seconding that motion so that we can
11 discuss it. It doesn't mean you're
12 going to vote one way or the other on
13 it. We just have a motion.

14 [There was no second to the motion. The Board further
15 discussed the motion.]

16 DR. CASEY:

17 I withdraw the motion.

18 DR. SEID:

19 Second.

20 CHAIRPERSON ERHARD:

21 All in favor? Opposed, the same? Thank
22 you.

23 [The motion carried unanimously.]

24 ***

25 [Kathryn L. Waters, Deputy Commissioner, exited the

1 meeting at 10:05 a.m. and reentered the meeting at
2 10:12 a.m.]

3 ***

4 Report of Board Chairperson

5 [Chairperson Erhard addressed AED resuscitation
6 devices in dental offices. He attended MOM-n-PA in
7 Erie and informed the Board that the meeting will be
8 in Reading next year. He will be attending the (ADEX)
9 American Board of Dental Examiners meeting.]

10 ***

11 [Theresa A. Groody, EFDA, exited the meeting at 11:01
12 a.m. and reentered the meeting at 11:03 a.m.]

13 ***

14 Report of Deputy Commissioner - No Report

15 ***

16 [Kathryn L. Waters, Deputy Commissioner, exited the
17 meeting at 11:07 a.m.]

18 ***

19 Report of Board Administrator

20 [Lisa M. Burns, Board Administrator, noted an
21 additional application for the Board's review.]

22 ***

23 Specialty Recognition

24 [Lisa P. Deem, D.M.D., J.D., reported on dental
25 specialty recognition, specifically advertising in the

1 Commonwealth.]

2

3 Report of the Committees

4 Expanding Functions

5 [Theresa A. Groody, EFDA, updated the Board on the
6 status of program approvals and noted 17 programs for
7 approval.]

8

9 Licensure

10 [Mariellen Brickley-Raab, R.D.H., Secretary, addressed
11 dentist and dental hygiene licensure and a possible
12 increase in continuing education hours.

13 Dr. Casey commented on adjacent state licensure
14 renewal fees and continuing education.]

15

16 Newsletter

17 [Barbara (Bonnie) L. Fowler, Public Member, informed
18 the Board that the fall edition of the newsletter will
19 be distributed mid-September.]

20

21 Practice Ownership/Regulation

22 [John E. DeFinnis, D.D.S., informed the Board of the
23 development of a test called dental licensure
24 objective structured clinical examination by the
25 American Dental Association. Dr. DeFinnis explained

1 the exam that will be conducted without a live patient
2 and also noted a teleconference on this issue.]

3 ***

4 Probable Cause

5 [Alice Hart Hughes, Esquire, Public Member, stated the
6 committee will meet to discuss a number of items.]

7 ***

8 Scope of Practice - No Report

9 ***

10 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
11 11:34 a.m. the Board entered into Executive Session
12 with Kerry E. Maloney, Esquire, Board Counsel, for the
13 purpose of conducting quasi-judicial deliberations.
14 The Board returned to open session at 1:07 p.m.]

15 ***

16 [Katelin Lambert, Director of Operations, entered the
17 meeting during the following motion at 1:08 p.m.]

18 ***

19 MOTIONS:

20 CHAIRPERSON ERHARD:

21 We had a motion to accept the Consent
22 Agreement on 15-46-08193. It was
23 seconded.

24 DR. SEID:

25 Second.

1 CHAIRPERSON ERHARD:

2 Any questions?

3

4 Roll Call.

5

6 Matta, no; Brickley-Raab, no; Hughes,
7 aye; Dattilo, aye; Casey, aye; Deem, no;
8 DeFinnis, aye; Fowler, nay; Zehring,
9 aye; Groody, nay; Seid, abstained;
10 Lambert, aye; Erhard, abstained.

11 [The motion carried. Dr. Matta, Ms. Brickley-Raab,
12 Dr. Deem, Ms. Fowler, and Ms. Groody opposed the
13 motion. Dr. Seid and Dr. Erhard abstained from voting
14 on the motion. The name on that is Andrew J. Voinski,
15 D.D.S.]

16

17 [Katelin Lambert, Director of Operations, exited the
18 meeting at 1:09 p.m.]

19

20 DR. SEID:

21 I move to accept File No. 15-46-00025.

22 MS. HUGHES:

23 Second.

24 CHAIRPERSON ERHARD:

25 Any questions?

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Roll Call.

Matta, aye; Brickley-Raab, aye; Hughes,
aye; Dattilo, aye; Casey; aye; Deem,
aye; DeFinnis, aye; Fowler, aye;
Zehring, aye; Groody, aye; Seid, aye;
Erhard, aye.

[The motion carried unanimously. The Respondent's
name is Khaja Moinuddin, D.D.S.]

MS. GROODY:

I move to accept the Consent Agreement
for File No. 15-46-04756.

DR. DEEM:

Second.

CHAIRPERSON ERHARD:

Any questions?

Roll Call.

Matta, aye; Brickley-Raab, aye; Hughes,
aye; Dattilo, aye; Casey; aye; Deem,
aye; DeFinnis, aye; Fowler, aye;
Zehring, aye; Groody, aye; Seid, aye;
Erhard, aye.

1 [The motion carried unanimously. The Respondent's
2 name is Hani A. Elmimeh, D.D.S.]

3 ***

4 MS. ZEHRING:

5 I move to accept the Consent Agreement
6 for File No. 13-46-05456.

7 DR. DEEM:

8 Second.

9 CHAIRPERSON ERHARD:

10

11 Any questions?

12

13 Roll Call.

14

15 Matta, aye; Brickley-Raab, aye; Hughes,
16 aye; Dattilo, aye; Casey; aye; Deem,
17 aye; DeFinnis, aye; Fowler, aye;
18 Zehring, aye; Groody, aye; Seid, aye;
19 Erhard, aye.

20 [The motion carried unanimously. The Respondent's
21 name is Bruce A. Zucker, D.D.S.]

22 ***

23 MS. FOWLER:

24 I move to accept the Consent Agreement
25 for File No. 14-46-12565.

1 DR. DATTILO:

2 Second.

3 CHAIRPERSON ERHARD:

4 Any questions?

5

6 Roll Call.

7

8 Matta, aye; Brickley-Raab, aye; Hughes,

9 aye; Dattilo, aye; Casey; aye; Deem,

10 aye; DeFinnis, aye; Fowler, aye;

11 Zehring, aye; Groody, aye; Seid, aye;

12 Erhard, aye.

13 [The motion carried unanimously. The Respondent's
14 name is Tara E. Jones-McDonald.]

15 ***

16 DR. DEEM:

17 I move to accept the Consent Agreement
18 for File No. 16-46-04367.

19 DR. DEFINNIS:

20 Second.

21 CHAIRPERSON ERHARD:

22 Any questions?

23

24 Roll Call.

25

1 DR. DATTILO:

2 I move to accept the Consent Agreement
3 for File No. 13-46-07347.

4 MS. HUGHES:

5 Second.

6 CHAIRPERSON ERHARD:

7 Any questions?

8

9 Roll Call.

10

11 Matta, aye; Brickley-Raab, aye; Hughes,
12 aye; Dattilo, aye; Casey; aye; Deem,
13 aye; DeFinnis, aye; Fowler, aye;
14 Zehring, aye; Groody, aye; Seid, aye;
15 Erhard, aye.

16 [The motion carried unanimously. The Respondent's
17 name is Thomas J. Bevelock, D.M.D.]

18

19 MS. BRICKLEY-RABB:

20 I move that the Board adopt the Final
21 Adjudication and Order with the addition
22 discussed in Executive Session in the
23 case of Amanda M. Bickel, EFDA, File No.
24 15-46-07740.

25 MS. GROODY:

1 Second.

2 CHAIRPERSON ERHARD:

3 Any questions?

4

5 Roll Call.

6

7 Matta, aye; Brickley-Raab, aye; Hughes,
8 recused; Dattilo, aye; Casey; aye; Deem,
9 aye; DeFinnis, aye; Fowler, aye;
10 Zehring, recused; Groody, aye; Seid,
11 recused; Erhard, aye.

12 [The motion carried. Ms. Hughes, Ms. Zehring, and Dr.
13 Seid recused from deliberations in Executive Session
14 and voting on the motion.]

15

16 DR. MATTA:

17 I move that the Board adopt the
18 Adjudication and Order as presented by
19 Board Counsel in the case of Charity A.
20 Sampsell, R.D.H., File No. 16-46-07329,
21 and direct Board Counsel to prepare the
22 Board's Final Order.

23 DR. DEEM:

24 Second.

25 CHAIRPERSON ERHARD:

1 Any questions?

2

3 Roll Call.

4

5 Matta, aye; Brickley-Raab, aye; Hughes,
6 recused; Dattilo, aye; Casey; aye; Deem,
7 aye; DeFinnis, aye; Fowler, aye;
8 Zehring, recused; Groody, aye; Seid,
9 recused; Erhard, aye.

10 [The motion carried. Ms. Hughes, Ms. Zehring, and Dr.
11 Seid recused from deliberations in Executive Session
12 and voting on the motion.]

13

14 DR. SEID:

15 I move to deny the Petition for Early
16 Termination and Probation of Jacqueline
17 Ann Marsin, D.M.D., File No. 13-46-
18 06557.

19 DR. DEEM:

20 Second.

21 CHAIRPERSON ERHARD:

22 Any questions?

23

24 Roll Call.

25

1 CHAIRPERSON ERHARD:

2 Motion to adjourn.

3 MS. BRICKLEY-RAAB:

4 Second.

5 [The State Board of Dentistry meeting adjourned at
6 1:24 p.m.]

7 ***

8 [The next State Board of Dentistry meeting is November
9 17, 2017.]

10 ***

11

12 CERTIFICATE

13

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

19

20

21



22

Corey Elizabeth Summers,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

STATE BOARD OF DENTISTRY
REFERENCE INDEX
July 28, 2017

	TIME	AGENDA
1		
2		
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4		
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6		
7	9:02	Official Call to Order
8		
9	9:02	Introduction of Board and Audience
10		
11	9:05	Approval of Minutes
12		
13	9:06	Report of Prosecutorial Division
14		
15	9:37	Report of Board Counsel
16		
17	10:59	Report of Board Chairperson
18		
19	11:07	Report of Board Administrator
20		
21	11:07	Miscellaneous/Discussion
22		
23	11:18	Report of Committees
24		
25	11:06	Executive Session
26	1:15	Return to Open Session
27		
28	1:07	Motions
29		
30	1:18	Adjournment
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