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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: 11:19 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

January 12, 2024

State Board of Dentistry
January 12, 2024

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs
Jennifer Unis Sullivan, D.M.D., J.D., Chairperson
Shawn M. Casey, D.M.D., Vice Chairperson
Theresa A. Groody, DHSc, EFDA, CDA, Secretary
Brice D. Arndt, D.D.S.
Barbara (Bonnie) L. Fowler, Public Member
Godfrey Joel Funari, M.S., D.M.D.
Joel S. Jaspan, D.D.S.
R. Ivan Lugo, D.M.D., M.B.A.
Andrew S. Matta, D.M.D.
LaJuan M. Mountain, D.M.D. - Absent
Donna L. Murray, RDH, PHDHP, MSDH
Brian Wyant, Public Health Program Director, Department of Health designee
Molly Pohlhaus, Deputy Attorney General, Office of Attorney General

BUREAU PERSONNEL:

Ronald K. Rouse, Esquire, Board Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor and Board Prosecution Liaison
Gregory S. Liero, Esquire, Board Prosecutor
Timothy J. Henderson, Esquire, Board Prosecutor
Denice Szekely, Esquire, Board Prosecutor
Sarah Buhite, Esquire, Board Prosecutor
Jim Abels, Board Administrator
Christina Townley, Board Administrator
Amber Lee Czerniakowski, Esquire, Board Prosecutor
Carlton Smith, Deputy Chief Counsel, Prosecution Division
Deena Parmelee, Legal Office Administrator 1, Department of State

ALSO PRESENT:

Steve Neidlinger, CAE, Executive Director, Pennsylvania Academy of General Dentistry
Darlene Oleski, DMD, The Wright Center for Graduate Medical Education

State Board of Dentistry
January 12, 2024

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ALSO PRESENT: (cont.)

- Helen Hawkey, Executive Director, Pennsylvania Coalition for Oral Health
- Joan Burke, CDA, EFDA, President, Pennsylvania Dental Assistants Association
- Justin Withrow, Esquire, Flannery/Georgalis, LLC
- Marisa Swarney, Director, Government Relations, Pennsylvania Dental Association
- Misha Patel, M.D., Curriculum Education Assistant, Geisinger Commonwealth School of Medicine
- Sarah Baker, Esquire, Kiernan Trebach LLP
- Wesley J. Rish, Esquire, Rish Law Office, LLC
- Casey Fellingner, Associate, Milliron & Goodman
- Barbara Reiprich, RDH, PHDHP, Pennsylvania Dental Hygienists' Association
- Michael Kaner, D.M.D.
- Nicole Payonk, Policy & Advocacy Coordinator, Pennsylvania Coalition for Oral Health
- Joshua Haentges, D.D.S.
- Linda Himmelberger, D.M.D.
- Lisa Brown, Dental Assisting/Expanded Function Dental Assisting Program Director and Curriculum Coordinator, YTI Career Institute
- Max Moses
- Victoria Lantz

1 State Board of Dentistry

2 January 12, 2024

3 ***

4 [Pursuant to Section 708(a)(5) of the Sunshine Act,
5 at 9:00 a.m. the Board entered into Executive Session
6 with Ronald K. Rouse, Esquire, Board Counsel, to have
7 attorney-client consultations and for the purpose of
8 conducting quasi-judicial deliberations. The Board
9 returned to open session at 11:00 a.m.]

10 ***

11 [Ronald K. Rouse, Esquire, Board Counsel, informed
12 everyone that the meeting of the State Board of
13 Dentistry was being held in a hybrid format of both
14 in-person and teleconference pursuant to Act 100 of
15 2021, which requires boards to use a virtual platform
16 to conduct business when a public meeting is held.

17 Mr. Rouse also noted the Board entered into
18 Executive Session with Board Counsel to have
19 attorney-client consultations and for the purpose of
20 conducting quasi-judicial deliberations.]

21 ***

22 The regularly scheduled meeting of the State
23 Board of Dentistry was held on Friday, January 12,
24 2024. Jennifer Unis Sullivan, D.M.D., J.D.,
25 Chairperson, called the meeting to order at

1 11:19 a.m.

2 Chair Sullivan reminded everyone that the meeting
3 was being recorded, and voluntary participation
4 constituted consent to be recorded.

5 Barbara Fowler, Public Member, was not present
6 during the commencement of the meeting.]

7 ***

8 Roll Call of Board Members

9 [Chair Sullivan requested a roll call of Board
10 members and an introduction of attendees. There was
11 a quorum.]

12 ***

13 Approval of minutes of the November 17, 2023 meeting

14 CHAIRPERSON SULLIVAN:

15 Can we have an approval of the minutes,
16 please? Do we have any additions or
17 corrections?

18 [The Board discussed corrections to the minutes.]

19 CHAIRPERSON SULLIVAN:

20 Any other additions or corrections?

21 Do I have a motion to approve the
22 minutes as edited?

23 ACTING COMMISSIONER CLAGGETT:

24 So moved.

25 CHAIRPERSON SULLIVAN:

1 Do I have a second?

2 DR. MATTA:

3 Second.

4 CHAIRPERSON SULLIVAN:

5 Roll call.

6

7 Claggett, aye; Sullivan, aye; Casey,

8 aye; Groody, abstain; Arndt, aye;

9 Funari, aye; Jaspan, aye; Lugo, aye;

10 Matta, aye; Murray, aye; Wyant,

11 abstain; Pohlhaus, aye.

12 [The motion carried. Theresa Groody and Brian Wyant
13 abstained from voting on the motion.]

14

15 Appointment - Annual Prosecution Division Report

16 [Carlton Smith, Esquire, Deputy Chief Counsel,

17 Prosecution Division, informed Board members that he

18 assumed his role in March 2023 when Carolyn

19 DeLaurentis was promoted to the executive deputy

20 chief counsel position and provided a brief history

21 of his professional background.

22 Mr. Smith presented the 2023 Prosecution

23 Division's Annual Report for the State Board of

24 Dentistry. He reported around 35,000 active

25 licensees with 565 opened cases in 2023 and around

1 451 cases in 2022. He noted 552 open cases and 449
2 closed cases. He stated the average number of days
3 to close a case from the time the complaint is
4 received until disposition was 355 days in 2023 and
5 429 days in 2022. He also reported the most common
6 discipline in 2023 was mostly fines, noting Act 48
7 fines are typically citations and do not come into
8 play often with their Board. He reported 10 stayed
9 suspensions and 11 suspensions in 2023 and seemed to
10 be the most common form of discipline for the Board.

11 Mr. Smith addressed cases where there was no
12 discipline and referred to "prosecution not
13 warranted" under Z02. He also noted 74 warning
14 letters under Z18.

15 Dr. Funari asked how many cases are presented
16 before the Board because a large number of cases are
17 handled administratively as opposed to the Board
18 actually reviewing the case and acting.

19 Mr. Smith stated one case may show up more than
20 once and counted twice, especially with discipline
21 cases, where a case may show up under suspension but
22 also under fines. He noted that it is difficult to
23 say how many are being presented to the Board based
24 on the numbers because of way it is calculated.

25 Chair Sullivan requested a breakdown of the

1 reasons for the infractions.

2 Mr. Smith informed Chair Sullivan that the
3 numbers could be broken down further and offered to
4 provide the information to the Board at a later
5 time.]

6 ***

7 Report of Prosecutorial Division

8 [Timothy J. Henderson, Esquire, Board Prosecutor,
9 presented the Consent Agreement for Case No. 20-46-
10 001112.]

11 MR. ROUSE:

12 Regarding the Consent Agreement at item
13 2 on the agenda, Case No. 20-46-001112,
14 after discussion in Executive Session,
15 I believe the Chair would entertain a
16 motion to adopt the Consent Agreement.

17 CHAIRPERSON SULLIVAN:

18 Do I have a motion to adopt the Consent
19 Agreement?

20 ACTING COMMISSIONER CLAGGETT:

21 So moved.

22 CHAIRPERSON SULLIVAN:

23 Do I have a second?

24 DR. MATTA:

25 Second.

1 CHAIRPERSON SULLIVAN:

2 Roll call vote.

3

4 Claggett, aye; Sullivan, aye; Casey,
5 aye; Groody, aye; Arndt, aye; Fowler,
6 aye; Funari, aye; Jaspan, aye; Lugo,
7 aye; Matta, aye; Murray, aye; Wyant,
8 aye; Pohlhaus, aye.

9 [The motion carried unanimously. This is the Matter
10 of BPOA v. Sheenam Bhatla, D.M.D., Case No. 20-46-
11 001112.]

12 ***

13 [Jennifer Unis Sullivan, D.M.D., J.D., Chairperson;
14 and Godfrey Joel Funari, M.S., D.M.D., exited the
15 meeting at 11:43 a.m. for recusal purposes.]

16 ***

17 VICE CHAIR CASEY ASSUMED THE CHAIR

18 ***

19 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor
20 and Prosecution Liaison, presented the Consent
21 Agreement for Case No. 23-46-012879.]

22 MR. ROUSE:

23 Regarding the Consent Agreement at item
24 3 on the agenda, Case No. 23-46-012879,
25 I believe the Chair would entertain a

1 motion to adopt the Consent Agreement.

2 VICE CHAIR CASEY:

3 Do I have a motion?

4 ACTING COMMISSIONER CLAGGETT:

5 So moved.

6 VICE CHAIR CASEY:

7 Second?

8 DR. ARNDT:

9 Second.

10 VICE CHAIR CASEY:

11 Christina, roll call please.

12

13 Claggett, aye; Casey, aye; Groody, aye;

14 Arndt, aye; Fowler, aye; Jaspán, aye;

15 Lugo, aye; Matta, aye; Murray, nay;

16 Wyant, aye; Pohlhaus, aye.

17 [The motion carried. Jennifer Unis Sullivan and
18 Godfrey Joel Funari recused themselves from
19 deliberations and voting on the motion. Donna Murray
20 opposed the motion. This is the Matter of BPOA v.
21 Elliot Ira Kahn, D.D.S., Case No. 23-46-012879.]

22

23 [Godfrey Joel Funari, M.S., D.M.D., reentered the
24 meeting at 11:51 a.m.]

25

1 [Gregory S. Liero, Esquire, Board Prosecutor,
2 presented the Consent Agreement for Case No. 22-46-
3 012895.]

4 MR. ROUSE:

5 Regarding the Consent Agreement at item
6 4 on the agenda, Case No. 22-46-012895,
7 I believe the Chair would entertain a
8 motion to adopt the Consent Agreement.

9 VICE CHAIR CASEY:

10 Do I have a motion?

11 ACTING COMMISSIONER CLAGGETT:

12 So moved.

13 VICE CHAIR CASEY:

14 Second?

15 DR. ARNDT:

16 Second.

17 VICE CHAIR CASEY:

18 Christina, roll call please.

19

20 Claggett, aye; Casey, aye; Groody, aye;

21 Arndt, aye; Fowler, aye; Funari, aye;

22 Jaspan, aye; Lugo, aye; Matta, aye;

23 Murray, aye; Wyant, aye; Pohlhaus, aye.

24 [The motion carried unanimously. Jennifer Unis

25 Sullivan recused herself from deliberations and

1 voting on the motion. This is the Matter of BPOA v.
2 Carrie Ann Leasure, Case No. 22-46-012895.]

3 ***

4 [Brice D. Arndt, D.D.S., exited the meeting at
5 11:53 a.m. for recusal purposes.]

6 ***

7 Report of Board Counsel - Motion to Enter Default and
8 Deem Facts Admitted

9 MR. ROUSE:

10 Regarding the matter of the Motion to
11 Enter Default and Deem Facts Admitted
12 at item 9 on the agenda, this was a
13 matter that was discussed in Executive
14 Session.

15 Regarding the Matter of Janel
16 Elizabeth Keppel, Case No. 23-46-
17 000141, I believe the Chair would
18 entertain a motion to grant the Motion
19 to Deem Facts Admitted and to direct
20 Board Counsel to prepare the
21 Adjudication and Order in accordance
22 with the discussions in Executive
23 Session.

24 VICE CHAIR CASEY:

25 Do I have a motion, please?

1 ACTING COMMISSIONER CLAGGETT:

2 So moved.

3 VICE CHAIR CASEY:

4 Second?

5 MS. MURRAY:

6 Second.

7 VICE CHAIR CASEY:

8 Christina, roll call please.

9

10 Claggett, aye; Casey, aye; Groody, aye;

11 Fowler, aye; Funari, aye; Jaspan, aye;

12 Lugo, aye; Matta, aye; Murray, aye;

13 Wyant, aye; Pohlhaus, aye.

14 [The motion carried unanimously. Jennifer Unis
15 Sullivan and Brice Arndt recused themselves from
16 deliberations and voting on the motion.]

17 ***

18 [Brice D. Arndt, D.D.S., reentered the meeting at
19 11:54 a.m.]

20 ***

21 Report of Board Counsel - Proposed Adjudications and
22 Orders

23 MR. ROUSE:

24 Item 10 on the agenda is BPOA v. Joseph
25 Anthony Ciampa, D.D.S., Case No. 22-46-

1 016478. This matter will be tabled.
2 There was a brief on exceptions that
3 was filed with the Board on January 8,
4 2024. In the Notice of Intent to
5 Review on this matter, which was a
6 Proposed Adjudication and Order, it
7 states that if there is a brief with
8 exceptions that is submitted, then the
9 Commonwealth has 20 days in order to
10 file a brief in opposition. Since that
11 20 days has not run, this matter has to
12 be tabled.

13

14 [Jennifer Unis Sullivan, D.M.D., J.D., Chairperson,
15 reentered the meeting at 11:56 a.m.]

16

17

CHAIR SULLIVAN RESUMED THE CHAIR

18

19 Report of Board Counsel - Motion to Enter Default and
20 Deem Facts Admitted

21 MR. ROUSE:

22

23

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25

Item 8 on the agenda, BPOA v. Deborah
Elizabeth Hickey, EFDA, Case No. 21-46-
016299, I believe the Chair would
entertain a motion to grant the Motion

1 to Deem Facts Admitted and to direct
2 Board Counsel to prepare the
3 Adjudication and Order in accordance
4 with the discussion in Executive
5 Session.

6 CHAIRPERSON SULLIVAN:

7 Do I have a motion?

8 ACTING COMMISSIONER CLAGGETT:

9 So moved.

10 CHAIRPERSON SULLIVAN:

11 Do I have a second?

12 DR. ARNDT:

13 Second.

14 CHAIRPERSON SULLIVAN:

15 Christina, can I please have a roll
16 call vote?

17

18 Claggett, aye; Sullivan, aye; Casey,
19 aye; Groody, aye; Arndt, aye; Fowler,
20 aye; Funari, aye; Jaspán, aye; Lugo,
21 aye; Matta, aye; Murray, aye; Wyant,
22 aye; Pohlhaus, aye.

23 [The motion carried unanimously.]

24

25 [Shawn M. Casey, D.M.D., Vice Chair, exited the

1 meeting at 11:58 a.m. for recusal purposes.]

2 ***

3 Report of Board Counsel - Final Adjudications and
4 Orders

5 MR. ROUSE:

6 Item 11 on the agenda, regarding the
7 Final Adjudication and Order in the
8 Matter of BPOA v. Blanche Durand Grube,
9 D.M.D., Case Nos. 18-46-02952 & 18-46-
10 012094, I believe the Chair would
11 entertain a motion to adopt the Final
12 Adjudication and Order as presented by
13 Board Counsel and direct Board Counsel
14 to prepare the Board's Final Order.

15 CHAIRPERSON SULLIVAN:

16 Do I have a motion?

17 ACTING COMMISSIONER CLAGGETT:

18 So moved.

19 CHAIRPERSON SULLIVAN:

20 Do I have a second?

21 DR. ARNDT:

22 Second.

23 CHAIRPERSON SULLIVAN:

24 Christina, can we please have a roll
25 call vote?

1

2

Claggett, aye; Sullivan, aye; Groody,

3

aye; Arndt, aye; Fowler, aye; Funari,

4

aye; Jaspan, aye; Lugo, aye; Matta,

5

aye; Murray, aye; Wyant, aye; Pohlhaus,

6

aye.

7

[The motion carried. Shawn Casey recused himself

8

from deliberations and voting on the motion.]

9

10

[Shawn M. Casey, D.M.D., Vice Chair, reentered the

11

meeting at 12:01 p.m.]

12

13

MR. ROUSE:

14

Item 12 on the agenda is the Final

15

Adjudication and Order in the Matter of

16

BPOA v. Lori A. Milliron R.D.H., Case

17

No. 22-46-011881. Regarding this

18

matter, I believe the Chair would

19

entertain a motion to adopt the Final

20

Adjudication and Order as presented by

21

Board Counsel and direct Board Counsel

22

to prepare the Board's Final Order.

23

CHAIRPERSON SULLIVAN:

24

Do I have a motion?

25

ACTING COMMISSIONER CLAGGETT:

1 So moved.

2 CHAIRPERSON SULLIVAN:

3 Do I have a second?

4 DR. ARNDT:

5 Second.

6 CHAIRPERSON SULLIVAN:

7 Christina, roll call vote, please.

8

9 Claggett, aye; Sullivan, aye; Casey,
10 aye; Groody, aye; Arndt, aye; Fowler,
11 aye; Funari, aye; Jaspán, aye; Lugo,
12 aye; Murray, aye; Wyant, aye; Pohlhaus,
13 aye.

14 [The motion carried unanimously. Andrew Matta did
15 not vote on the motion.]

16 ***

17 Review of Applications

18 MR. ROUSE:

19 Item 18 on the agenda, Fazia Bouakiz.
20 Regarding item 18 on the agenda, I
21 believe the Chair would entertain a
22 motion to provisionally deny the
23 Application for Licensure by
24 Endorsement as a Dentist.

25 CHAIRPERSON SULLIVAN:

1 Do I have a motion?

2 ACTING COMMISSIONER CLAGGETT:

3 So moved.

4 CHAIRPERSON SULLIVAN:

5 Do I have a second?

6 DR. ARNDT:

7 Second.

8 CHAIRPERSON SULLIVAN:

9 Christina, roll call vote, please.

10

11 Claggett, aye; Sullivan, aye; Casey,
12 aye; Groody, aye; Arndt, aye; Fowler,
13 aye; Funari, aye; Jaspán, aye; Lugo,
14 aye; Matta, aye; Murray, aye; Wyant,
15 aye; Pohlhaus, aye.

16 [The motion carried unanimously.]

17

18 MR. ROUSE:

19 Item 19 on the agenda, Alexandra
20 Fuller. Regarding that matter, I
21 believe the Chair would entertain a
22 motion to direct the Board
23 administrator to request additional
24 information from the Applicant as
25 discussed in Executive Session.

1 CHAIRPERSON SULLIVAN:

2 Do I have a motion?

3 ACTING COMMISSIONER CLAGGETT:

4 So moved.

5 CHAIRPERSON SULLIVAN:

6 Do I have a second?

7 DR. ARNDT:

8 Second.

9 CHAIRPERSON SULLIVAN:

10 Christina, roll call vote, please.

11

12 Claggett, aye; Sullivan, aye; Casey,
13 aye; Groody, aye; Arndt, aye; Fowler,
14 aye; Funari, aye; Jaspán, aye; Lugo,
15 aye; Matta, aye; Murray, aye; Wyant,
16 aye; Pohlhaus, aye.

17 [The motion carried unanimously.]

18

19 MR. ROUSE:

20 Item 20 on the agenda, Sasha Mohammadi.
21 Regarding this Application at item 20
22 on the agenda, I believe the Chair
23 would entertain a motion to grant the
24 Application for Licensure as a Dentist.

25 CHAIRPERSON SULLIVAN:

1 Do I have a motion?

2 ACTING COMMISSIONER CLAGGETT:

3 So moved.

4 CHAIRPERSON SULLIVAN:

5 Do I have a second?

6 DR. ARNDT:

7 Second.

8 CHAIRPERSON SULLIVAN:

9 Christina, roll call vote, please.

10

11 Claggett, aye; Sullivan, aye; Casey,
12 aye; Groody, aye; Arndt, aye; Fowler,
13 aye; Funari, aye; Jaspán, aye; Lugo,
14 aye; Matta, aye; Murray, aye; Wyant,
15 aye; Pohlhaus, aye.

16 [The motion carried unanimously.]

17

18 MR. ROUSE:

19 Item 21 on the agenda, Courtney Howard,
20 the Application for Dental Hygienist
21 Local Anesthesia Permit. I believe the
22 Chair would entertain a motion to grant
23 the Application for a Dental Hygienist
24 Local Anesthesia Permit by Endorsement.

25 CHAIRPERSON SULLIVAN:

1 Do I have a motion?

2 ACTING COMMISSIONER CLAGGETT:

3 So moved.

4 CHAIRPERSON SULLIVAN:

5 Do I have a second?

6 DR. ARNDT:

7 Second.

8 CHAIRPERSON SULLIVAN:

9 Christina, roll call vote, please.

10

11 Claggett, aye; Sullivan, aye; Casey,
12 aye; Groody, aye; Arndt, aye; Fowler,
13 aye; Funari, aye; Jaspán, aye; Lugo,
14 aye; Matta, aye; Murray, aye; Wyant,
15 aye; Pohlhaus, aye.

16 [The motion carried unanimously.]

17

18 MR. ROUSE:

19 Item 22 on the agenda, Autumn Caffie.
20 This is an Application for
21 Certification for an EFDA by
22 Endorsement. Regarding this matter, I
23 believe the Chair would entertain a
24 motion to provisionally deny the
25 Application for Licensure by

1 Endorsement as an Expanded Function
2 Dental Assistant.

3 CHAIRPERSON SULLIVAN:

4 Do I have a motion?

5 ACTING COMMISSIONER CLAGGETT:

6 So moved.

7 CHAIRPERSON SULLIVAN:

8 Do I have a second?

9 DR. ARNDT:

10 Second.

11 CHAIRPERSON SULLIVAN:

12 Christina, roll call vote, please.

13

14 Claggett, aye; Sullivan, aye; Casey,
15 aye; Groody, aye; Arndt, aye; Fowler,
16 aye; Funari, aye; Jaspán, aye; Lugo,
17 aye; Matta, aye; Murray, aye; Wyant,
18 aye; Pohlhaus, aye.

19 [The motion carried unanimously.]

20

21 MR. ROUSE:

22 Item 23 on the agenda, Rosa Salinas.
23 This is an Application for an EFDA by
24 Endorsement. Regarding the Application
25 of Rosa Salinas at item 23 on the

1 agenda, I believe the Chair would
2 entertain a motion to provisionally
3 deny the Application for Licensure by
4 Endorsement as an Expanded Function
5 Dental Assistant.

6 CHAIRPERSON SULLIVAN:

7 Do I have a motion?

8 ACTING COMMISSIONER CLAGGETT:

9 So moved.

10 CHAIRPERSON SULLIVAN:

11 Do I have a second?

12 DR. ARNDT:

13 Second.

14 CHAIRPERSON SULLIVAN:

15 Christina, roll call vote, please.

16

17 Claggett, aye; Sullivan, aye; Casey,
18 aye; Groody, aye; Arndt, aye; Fowler,
19 aye; Funari, aye; Jaspán, aye; Lugo,
20 aye; Matta, aye; Murray, aye; Wyant,
21 aye; Pohlhaus, aye.

22 [The motion carried unanimously.]

23

24 Report of Board Counsel - Matters for Deliberation

25 MR. ROUSE:

1 Items 15 and 16. During Executive
2 Session, the Board had an opportunity
3 to discuss the Commonwealth Court
4 matter of Joshua Haentges, D.D.S. v.
5 State Board of Dentistry. There was a
6 review of the Application for Licensure
7 to Practice Dentistry of Joshua
8 Haentges, D.D.S., Case No. 21-46-
9 011866.

10 Going to item 16 on the agenda, I
11 believe the Chair would entertain a
12 motion to grant the Application for
13 Licensure by Endorsement to Practice
14 Dentistry of Joshua Haentges, D.D.S.

15

16 CHAIRPERSON SULLIVAN:

17 Do I have a motion?

18 ACTING COMMISSIONER CLAGGETT:

19 So moved.

20 CHAIRPERSON SULLIVAN:

21 Do I have a second?

22 DR. ARNDT:

23 Second.

24 CHAIRPERSON SULLIVAN:

25 Christina, roll call vote, please.

1

2

Claggett, aye; Sullivan, aye; Casey,

3

aye; Groody, abstain; Arndt, nay;

4

Fowler, aye; Funari, no; Jaspán, aye;

5

Lugo, abstain; Matta, aye; Murray, aye;

6

Wyant, aye; Pohlhaus, aye.

7

[The motion carried. Theresa Groody and Ivan Lugo

8

abstained from voting on the motion. Brice Arndt and

9

Godfrey Joel Funari opposed the motion.]

10

11

Report of Board Counsel - Regulations

12

[Ronald K. Rouse, Esquire, Board Counsel, provided a

13

Regulatory Report for the Board's review.

14

Mr. Rouse offered a preamble for 16A-4621

15

regarding the anesthesia update. He thanked Chair

16

Sullivan and the Regulatory Committee for their

17

assistance and the regulatory community for their

18

discussions regarding the annex.

19

Mr. Rouse reported the botulinum toxin regulation

20

is on hold.

21

Mr. Rouse informed Board members that he would

22

have the preamble for the general revisions at the

23

next Board meeting. He mentioned mobile vans is on

24

hold and licensure by endorsement is still being

25

reviewed. He noted the State Board of Nursing has a

1 regulatory package currently in process for opioid
2 education, and the Board would be using that as a
3 template.

4 Mr. Rouse referred to the anesthesia update
5 preamble, noting it discusses all of the amendments,
6 additions, and deletions. He also noted it provides
7 the statutory authority for the Board to promulgate
8 the regulations and gives some background on the
9 standard of care evolving over the past 19 years. He
10 stated the preamble notes the fact that the
11 regulations are being updated because the guidance
12 had been updated.

13 Mr. Rouse stated the preamble also notes why the
14 Board wants to amend the regulations to include a
15 dental hygienist nitrous oxide monitoring permit,
16 along with the requirements for training and
17 supervision of monitoring of permit holders.

18 Mr. Rouse noted the preamble also states that the
19 Board believes the amendment is consistent with the
20 statutory authority under 63 P.S. § 122(d) to adopt
21 regulations provided for the general supervision and
22 practice of dental hygienists. He mentioned the
23 preamble also goes through each of the sections that
24 were amended and explains the amendments, including
25 the guidance that had been changed supporting the

1 amendments. He suggested having further Board
2 discussion at the next Board meeting on the
3 anesthesia update preamble and general revisions
4 preamble.

5 Dr. Funari commented that Pennsylvania lacks
6 sufficient licensed individuals to conduct a survey
7 of cone-beam computed tomography (CBCT) in the state
8 on an annual basis. He reported receiving phone
9 calls from dentists and surgeons asking who can
10 inspect their CBCTs. He noted the regulation is out
11 there, but they had to go to Delaware to find
12 someone. He stated people are in noncompliance
13 because the Department of Environmental Protection
14 (DEP) is essentially nonresponsive.

15 Dr. Funari also stated anybody who operates a
16 CBCT has to be specifically trained in that
17 operation. He noted dental assistants are operating
18 those but that it is not part of training for their
19 radiological certificate. He mentioned that the
20 information and test may need to be upgraded to include
21 CBCTs in order to be complying.

22 Dr. Funari referred to § 221.64(a)(5), in
23 addition to the requirements of § 221.16 related to
24 training, competency, and continuing education, the
25 CBCT X-ray system shall only be operated by an

1 individual who has been specifically trained in its
2 operation.

3 Dr. Jaspan mentioned they should also look into
4 Panorex and cephalometric X-rays because an assistant
5 is only certified for intraoral radiography.

6 Dr. Groody commented that there is no
7 certification, and the dentist is on the hook to make
8 sure they are trained. She noted they could take the
9 Dental Assisting National Board (DANB) Radiation
10 Health and Safety (RHS) Exam, but the Board no longer
11 regulates that and is on the onus of the licensed
12 dentist to ensure that.

13 Dr. Funari stated most of the training occurs
14 when the machine is installed and personnel who are
15 present are trained, noting turnover personnel do not
16 have specific training by a qualified individual.

17 Acting Commissioner Claggett requested an email
18 concerning the issue be sent to him so he could share
19 the information with the director of policy and DEP.

20 Dr. Lugo commented that somebody from the public
21 who absolutely has no training can walk in from the
22 street and operate a CBCT and not be registered with
23 any state body. He expressed the importance of the
24 Board continuing to work on registering dental
25 assistants like other states because everything else

1 could be incorporated in the registration that is not
2 covered by exams that are outdated or by big
3 practices. He mentioned that it is the largest
4 workforce in Pennsylvania in dentistry; and they do
5 not have it registered, certified, or anything else
6 and is putting the public at risk.

7 Dr. Groody addressed page 6 of the annex of the
8 general revisions regarding expanded function dental
9 assistant eligibility for the exam. She referred to
10 (c), a candidate who applies outside the two-year
11 window will be deemed ineligible to sit for the EFDA
12 written exam. She suggested the addition of "and
13 clinical exam" there. She also referred to (d), the
14 additional requirement. She mentioned that it does
15 not make sense and wanted to make sure they are
16 covering all bases before they move it through.

17 Mr. Rouse noted the Board would be discussing the
18 preamble at the next Board meeting and could have
19 further discussion on that as well.]

20

21 Report of Board Counsel - Miscellaneous

22 [Ronald K. Rouse, Esquire, Board Counsel, provided a
23 presentation regarding the Sunshine Act. He
24 explained that the purpose of the Sunshine Act is the
25 right of the public to be present at all meetings of

1 agencies and to witness the deliberations, policy
2 formation, and decision-making vital to the
3 enhancement and proper functioning of the democratic
4 process. He noted the importance of the public being
5 able to discuss regulations and help create new
6 regulations.

7 Mr. Rouse stated meetings must be open to the
8 public when deliberations or official action takes
9 place. He provided the definition of agency,
10 deliberation, and official action.

11 Mr. Rouse addressed public notice, including
12 publication of the place, date, and time of the
13 public meeting. He noted it is not required in a
14 case of an emergency meeting or conference. He
15 discussed the additions of Act 65 of 2021.

16 Mr. Rouse discussed the recording of votes and
17 requirement of minutes for all open meetings. He
18 mentioned that the only applicable exceptions to the
19 open meeting requirement are Executive Sessions and
20 conferences.

21 Mr. Rouse explained that legal challenges to the
22 Sunshine Act have to be filed within 30 days of the
23 date of the meeting or discovery of any action in
24 which the Sunshine Act was violated and discussed
25 penalties for violating the Sunshine Act.

1 Mr. Rouse stated all Board business has to be
2 conducted in open meetings, and Board members should
3 not discuss agency business, especially Executive
4 Session matters, outside of an official Board
5 meeting. He noted committee meetings discussing
6 regulations and policies should take place in open
7 meetings with appropriate public notice. He
8 mentioned that administrative functions are not
9 subject to open meeting requirements.

10 Mr. Rouse addressed mandatory recusals, where a
11 Board member may have a prosecutorial role or a
12 direct personal or financial interest in the outcome
13 of the matter. He addressed "strongly suggested"
14 recusals, where there is a personal affection for
15 someone involved in the matter or outside knowledge
16 of the matter, which prevents a board member from
17 making a fair and unbiased determination.

18 Mr. Rouse noted that discretionary recusals are
19 when a Board member cannot hear and dispose of the
20 case or participate in a decision on a subject fairly
21 and without prejudice. He encouraged Board members
22 to ask counsel if they have any questions about
23 whether to recuse.

24 Mr. Rouse explained the difference between
25 recusal and abstention, noting abstention means

1 someone is withholding their vote but does not affect
2 quorum requirements. He noted someone is unable to
3 vote with recusal, which can affect the quorum.

4 Mr. Rouse addressed conflict of interest, where
5 no member of any professional examining and licensing
6 board shall at the same time be an officer or agent
7 of any statewide association or organization
8 representing the profession or occupation subject to
9 board action.

10 Mr. Rouse noted public members of a licensing
11 board or commission designated as a representative of
12 the public at large shall be a private citizen and
13 not be a member of any profession or occupation which
14 is regulated or licensed by the board, commission,
15 BPOA, or be related to or part of the immediate
16 family of any member of the profession or occupation
17 to be licensed or regulated. He mentioned they may
18 not hold any appointed or elected public office
19 issued within the Commonwealth or any state or United
20 States government during their term.

21 Dr. Arndt asked whether a retired dentist without
22 a license could be a public member as long as they do
23 not belong to the American Dental Association and
24 Pennsylvania Dental Association.

25 Mr. Rouse explained that the person would still

1 be affiliated with a profession that is licensed when
2 they are a retired dentist.]

3

4 Report of Board Counsel - Miscellaneous - Status of
5 House Bill 1585 Teledentistry

6 [Ronald K. Rouse, Esquire, Board Counsel, addressed
7 House Bill 1585, noting it would provide for
8 teledentistry, authorize the Board to promulgate
9 regulations regarding teledentistry, and provide
10 insurance coverage for teledentistry. He noted the
11 bill passed in the state House on December 12, 2023,
12 by a vote of 163 to 40 and is now with the state
13 Senate and referred to the Senate Banking and
14 Insurance Committee as of January 5, 2024.

15 Mr. Rouse mentioned that Ms. Murray provided
16 documents, including a comparison of state statutes
17 and regulations addressing the requirements for
18 teledentistry and policy guidance. He noted the
19 documents would be helpful if the statute passes and
20 is signed into law because the Board would have to
21 draft regulations.

22 Dr. Funari mentioned having experience with
23 telemedicine and offered legal statements required
24 for patient records.]

25

1 Report of Board Chairperson - No Report

2 ***

3 Report of Acting Commissioner - No Report

4 ***

5 Report of Board Administrator

6 [Christina Townley, Board Administrator, introduced
7 Jim Abels, noting he would be taking over as the
8 Board administrator for the State Board of Dentistry.
9 She mentioned they would be working together for now
10 and requested everyone continue to include her on any
11 agency emails.

12 Mr. Rouse welcomed Mr. Abels.

13 Chair Sullivan informed everyone that she
14 compiled a list of Board members who would be
15 reviewing applications to comply with the 30-day rule
16 from the governor. She reported Dr. Funari would be
17 reviewing faculty and anesthesia applications, Dr.
18 Groody would be reviewing EFDA licenses, Ms. Murray
19 would be reviewing dental hygiene license
20 applications, and Dr. Casey would be reviewing
21 general dental applications.

22 Dr. Jaspan asked whether endodontists,
23 periodontists, and orthodontists would go under Dr.
24 Casey's purview.

25 Chair Sullivan stated they would go under Dr.

1 Casey because they receive a general dental license
2 and asked whether Dr. Jaspan would like to be
3 involved in that.

4 Dr. Jaspan stated he would like to be involved,
5 noting everybody gets a Doctor of Dental Surgery
6 (DDS) or Doctor of Dental Medicine (DMD) and a
7 license to practice dentistry in Pennsylvania and
8 technically could do any phase of dentistry they
9 choose to learn.

10 Chair Sullivan included Dr. Jaspan in the review
11 of applications.]

12

13 Report of Committees - Legislative and Regulatory
14 Committee - No Report

15

16 Report of Committees - Accreditation and Licensing
17 Committee - No Report

18

19 Report of Committees - Probable Cause Screening
20 Committee

21 [Godfrey Joel Funari, M.S., D.M.D., reported three
22 reviews since the last meeting.]

23

24 Report of Committees - Scope of Traditional and
25 Emerging Practice Committee - No Report

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Report of Committees

[Jennifer Unis Sullivan, D.M.D., J.D., Chairperson, noted being in the process of juggling committees and asked Board members to inform her if they would like to be a member of a particular committee.]

Correspondence

[Ronald K. Rouse, Esquire, Board Counsel, addressed state Board participation in 2024 accreditation site visits. He noted the site visit would be at the Community College of Philadelphia in Philadelphia, October 24-25, 2024, and Dr. Jaspan volunteered.]

MR. ROUSE:

Would the Chair entertain a motion to have Dr. Jaspan participate in the 2024 accreditation site visit at Community College of Philadelphia, October 24-25, 2024?

CHAIRPERSON SULLIVAN:

Do I have a motion?

ACTING COMMISSIONER CLAGGETT:

So moved.

CHAIRPERSON SULLIVAN:

Do I have a second?

1 DR. ARNDT:

2 Second.

3 CHAIRPERSON SULLIVAN:

4 Christina, roll call vote, please.

5

6 Claggett, aye; Sullivan, aye; Casey,
7 aye; Groody, aye; Arndt, aye; Fowler,
8 aye; Funari, aye; Lugo, aye; Murray,
9 aye; Wyant, aye; Pohlhaus, aye.

10 [The motion carried. Joel Jaspan and Andrew Matta
11 were not called and did not vote on the motion.]

12

13 For the Board's Information - 2025 Proposed Board
14 Meeting Dates

15 [Christina Townley, Board Administrator, requested
16 Board approval for the proposed 2025 Board meeting
17 dates to include January 10, March 14, May 9, July
18 18, September 19, and November 14.]

19 MR. ROUSE:

20 Would the Chair entertain a motion to
21 approve the 2025 Board meeting dates?

22 ACTING COMMISSIONER CLAGGETT:

23 So moved.

24 DR. ARNDT:

25 Second.

1 CHAIRPERSON SULLIVAN:

2 Roll call.

3

4 Claggett, aye; Sullivan, aye; Casey,
5 aye; Groody, aye; Arndt, aye; Fowler,
6 aye; Funari, aye; Jaspan, aye; Lugo,
7 aye; Murray, aye; Wyant, aye; Pohlhaus,
8 aye.

9 [The motion carried. Andrew Matta was not called and
10 did not vote on the motion.]

11 ***

12 Adjournment

13 CHAIRPERSON SULLIVAN:

14 Do I have a motion to adjourn?

15 DR. CASEY:

16 So moved.

17 CHAIRPERSON SULLIVAN:

18 Thank you all very much.

19 ***

20 [There being no further business, the State Board of
21 Dentistry Meeting adjourned at 12:58 p.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.



Victoria Lantz,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF DENTISTRY
REFERENCE INDEX

January 12, 2024

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8	9:00	Executive Session
9	11:00	Return to Open Session
10		
11	11:19	Official Call to Order
12		
13	11:20	Roll Call
14		
15	11:20	Introduction of Attendees
16		
17	11:23	Approval of Minutes
18		
19	11:25	Appointment - Carlton Smith, Deputy
20		Chief Counsel, Annual Prosecution
21		Division Report
22		
23	11:36	Report of Prosecutorial Division
24		
25	11:53	Report of Board Counsel
26		
27	12:02	Review of Applications
28		
29	12:10	Report of Board Counsel (cont.)
30		
31	12:49	Report of Board Administrator
32		
33	12:53	Report of Committees
34		
35	12:54	Correspondence
36		
37	12:57	For the Board's Information
38		
39	12:58	Adjournment
40		
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