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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: 9:01 A.M.

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

January 19, 2018



1 ALSO PRESENT: (CONTINUED)  
2  
3 Dottie O'Keefe, President, PA Dental Assistants  
4 Association  
5 Donna Shoenecker, Dental Hygienist, PHDHP  
6 Cheryl Ross, Dental Hygienist  
7 Carolyn Wahl, PDHA Government Relations Chair  
8 Sharon Langan, Fortis Institute, Scranton  
9 John Balas, D.M.D., Department of Corrections  
10 Andrew Harvan Pennsylvania Medical Society  
11 Guy Champaine, CEO, ADEX  
12 Dave Perkins, Chairman Board of Directors, CDCA  
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1 \*\*\*

2 State Board of Dentistry

3 January 19, 2018

4 \*\*\*

5 The regularly scheduled meeting of the State  
6 Board of Dentistry was held on Friday, January 19,  
7 2018. John F. Erhard III, D.D.S., Chairperson, called  
8 the meeting to order at 9:02 a.m. Dr. Erhard  
9 announced the birth of his granddaughter that morning.

10 Arlene G. Seid, M.D., M.P.H., was not present at  
11 the commencement of the meeting.

12 \*\*\*

13 Introduction of Board and Audience

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

16 \*\*\*

17 Amendment of Agenda

18 MR. MALONEY:

19 I'll ask for a motion to amend the agenda  
20 to add the application for stay of  
21 opinion and order continuing temporary  
22 suspension today of Dr. Maeen Aboafch\_at  
23 File No. 17-46-11765.

24 DR. DEFINNIS:

25 So moved.

1 DR. CASEY:

2                   Second.

3 CHAIRPERSON ERHARD:

4                   Any questions?

5 MR. MALONEY:

6                   In this case, Dr. Matta and Ms. Zehring  
7                   and Attorney Hughes will need to be  
8                   recused. So somebody else make that  
9                   motion just by indicating so moved.

10 DR. LUGO:

11                   So moved.

12 CHAIRPERSON ERHARD:

13                   Second? Do we have a second?

14 MS. GROODY:

15                   Second.

16 CHAIRPERSON ERHARD:

17                   All in favor of accepting the motion?

18                   Opposed?

19 [The motion carried. Dr. Matta, Ms. Zehring and Ms.  
20 Hughes recused from voting on the motion.]

21                                           \*\*\*

22 [Arlene G. Seid, M.D., M.P.H., Department of Health,  
23 entered the meeting at 9:07 a.m.]

24                                           \*\*\*

25 Appointment

1 Office of Finance and Operations  
2 [Kimberly Adams, Esquire, Chief of Fiscal Management;  
3 Kimberly A. Mattis, Director, Bureau of Finance and  
4 Operations; and Julie Snader Chief, Division of  
5 Procurement, presented before the Board for discussion  
6 of the Department of Dentistry Budget Information for  
7 Fiscal year 2017-2018 and 2018-2019 Budget Planning.]

8 \*\*\*

9 CDCA/ADEX

10 [David Perkins, D.M.D., CDCA Chairman, presented  
11 before the Board for discussion of the PA Board in the  
12 Current Licensure Landscape.]

13 \*\*\*

14 [Presentation interrupted by fire alarm.]

15 \*\*\*

16 CDCA/ADEX (Continued)

17 [Dr. Perkins continued the presentation with  
18 discussion regarding the WREB (National Dental and  
19 Dental Hygiene Testing Agency) dental exam format  
20 changes in comparison to the ADEX (American Board of  
21 Dental Examiners) exam.]

22 \*\*\*

23 [Guy Champagne, D.D.S., ADEX CEO, provided a summary  
24 of his professional background as well as a history of  
25 dental licensure exams. Dr. Champagne referred to

1 2016 U.S. Department of Labor statistics for  
2 discussion of the USMLE (United States Medical  
3 Licensing Examination) as well as testing agencies  
4 including the NBME (National Board of Medical  
5 Examiners) and the FSMB (Federation of State Medical  
6 Boards).

7 Dr. Shampaine noted one licensure exam and one  
8 developer for nursing, podiatry, physical therapy as  
9 well as occupational therapy. He then noted 11  
10 pathways for dentistry and 5 for dental hygiene. Dr.  
11 Shampaine discussed the national dentistry pathways,  
12 including ADEX/ADLEX, WREB, CRDTS, SRTA, Delaware,  
13 OSCE-MN, OSCE CO, KY, WA, California portfolio, PGY-1,  
14 Accredited Post Grad Program, and ADA/OSCE-ADA.]

15

\*\*\*

16 [Pat Harvan, CHIP (Children's Health Insurance  
17 Program) quality assurance analyst, and Peggy  
18 Slothower, business analyst, discussed the provider  
19 enrollment transition for CHIP. Mr. Harman provided a  
20 brief history of the CHIP program over the last 25  
21 years. He stated Pennsylvania's model was the model  
22 used by the federal government and noted every state  
23 in the nation has a CHIP program covering over nine  
24 million children.

25 Mr. Harman next discussed the enrollment process,

1 including electronically. He noted the current  
2 enrollment of 3,200 providers in the program, but  
3 discussed the need for 35,000. He also discussed  
4 provider concerns, including the \$560 application fee.  
5 Mr. Harman asked Board members to suggest additional  
6 agencies to encourage provider enrollment.]

7

\*\*\*

8 [The Board recessed from 11:27 a.m. until 11:46 a.m.]

9

\*\*\*

10 [Dr. Matta, Ms. Hughes and Ms. Zehring exited the  
11 meeting at 11:48 a.m. for recusal purposes.]

12

\*\*\*

13 Report of Prosecutorial Division

14 [John D. Kelly, Esquire, Board Prosecutor, presented a  
15 Consent Agreement for File No. 17-46-01313.]

16

\*\*\*

17 [Paul Jarabeck, Esquire, Board Prosecutor, presented  
18 Consent Agreements for File No. 17-46-08517 and File  
19 No. 17-46-03707.]

20

\*\*\*

21 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
22 11:54 a.m. the Board entered into Executive Session  
23 with Kerry E. Maloney, Esquire, Board Counsel, for the  
24 purpose of conducting quasi-judicial deliberations.  
25 The Board returned to open session at 12:10 p.m.]



1 \*\*\*

2 [Dr. Matta, Ms. Hughes and Ms. Zehring re-entered the  
3 meeting at 12:11 p.m.]

4 \*\*\*

5 [Katelin Lambert, Bureau of Professional and  
6 Occupational Affairs, exited the meeting at 12:14  
7 p.m.]

8 \*\*\*

9 MOTIONS

10 DR. LUGO:

11 I'd move for the Board to deny the  
12 application for stay of suspension for  
13 File No. 17-46-11765, Dr. Maeen Aboafch.

14 DR. SEID:

15 Second.

16 CHAIRPERSON ERHARD:

17 On the question.

18  
19 Hughes, recused; Lugo, aye, Seid, aye;  
20 Casey, aye; DeFinnis, no; Matta, recused;  
21 Zehring, recused; Dattilo, aye; Groody,  
22 aye; Lambert, aye; Erhard, aye.

23 [The motion carried. Ms. Hughes, Dr. Matta and Ms.  
24 Zehring recused from deliberations and voting on the  
25 motion. Dr. DeFinnis opposed the motion.]

1 \*\*\*

2 DR. LUGO:

3 I move to accept the Consent Agreement  
4 for File No. 17-46-08517 and File No.  
5 17-46-03707.

6 MS. GROODY:

7 Second.

8 CHAIRPERSON ERHARD:

9 On the question?

10

11 Hughes, recused; Lugo, aye, Seid, aye;  
12 Casey, aye; DeFinnis, aye; Matta,  
13 recused; Zehring, recused; Dattilo, aye;  
14 Groody, aye; Lambert, aye; Erhard, aye.

15 [The motion carried. Ms. Hughes, Dr. Matta and Ms.  
16 Zehring recused from deliberations and voting on the  
17 motion. The Respondent's name is Gregory Scott  
18 Bellotti, D.M.D.]

19

\*\*\*

20 DR. SEID:

21 I'd move that we accept the Consent  
22 Agreement for File No. 17-46-01313.

23 DR. DEFINNIS:

24 Second.

25 CHAIRPERSON ERHARD:

1 On the question.

2

3 Hughes, recused; Lugo, aye, Seid, aye;  
4 Casey, aye; DeFinnis, aye; Matta,  
5 recused; Zehring, recused; Dattilo, aye;  
6 Groody, aye; Lambert, aye; Erhard, aye.

7 [The motion carried. Ms. Hughes, Dr. Matta and Ms.  
8 Zehring recused from deliberations and voting on the  
9 motion. The Respondent's name is Charles G. Hatfield,  
10 D.M.D.]

11

\*\*\*

12 Approval of Minutes of the November 17, 2017 Board  
13 meeting.

14 [The Board discussed corrections to the Minutes.]

15 CHAIRPERSON ERHARD:

16 Do we have a motion to accept the Minutes  
17 of the last meeting as amended?

18 DR. DATTILO:

19 So moved.

20 DR. LUGO:

21 Second.

22 CHAIRPERSON ERHARD:

23 On the question.

24

25 Hughes, aye; Lugo, aye, Seid, abstain;

1 Casey, aye; DeFinnis, absent; Matta, aye;  
2 Zehring, aye; Dattilo, aye; Groody,  
3 abstain; Erhard, aye.

4 [The motion carried. Dr. Seid, Dr. DeFinnis and Ms.  
5 Groody abstained from voting on the motion.]

6 \*\*\*

7 Report of Prosecutorial Division (Continued)

8 [Andrea L. Costello, Esquire, Board Prosecutor,  
9 presented Consent Agreements for File No. 17-46-09678  
10 and File No. 17-46-10770.]

11 \*\*\*

12 [John D. Kelly, Esquire, Board Prosecutor, presented  
13 Consent Agreements for File No. 14-46-12547, File No.  
14 17-46-03396, File No. 17-46-05727, File No. 17-46-  
15 08649, File No. 17-46-11742 and File No. 17-46-11911.]

16 \*\*\*

17 [Ms. Zehring exited the meeting at 12:35 p.m.]

18 \*\*\*

19 [Paul J. Jarabeck, Esquire, Board Prosecutor,  
20 presented Consent Agreements for File No. 14-46-06179,  
21 File No. 15-46-04921.]

22 \*\*\*

23 [Ms. Zehring re-entered the meeting at 12:40 p.m.]

24 \*\*\*

25 Report of Board Counsel

1 [Kerry E. Maloney, Esquire, Board Counsel, noted two  
2 Motions to Deem Facts Admitted during Executive  
3 Session.

4 Mr. Maloney noted a "push" to move regulations,  
5 especially those considered to be priorities. He  
6 stated the child abuse reporting requirement was one  
7 such regulation as well as the General Revisions. Mr.  
8 Maloney discussed a Commonwealth Court case, which may  
9 need to be discussed at a future meeting.]

10 \*\*\*

11 [Dr. Casey and Dr. DeFinnis exited the meeting at  
12 12:43 p.m. and re-entered at 12:44 p.m.]

13 \*\*\*

14 [The Board recessed from 12:45 p.m. until 12:46 p.m.]

15 \*\*\*

16 Report of Board Chairperson

17 [John F. Erhard, III, D.D.S., and Ms. Brickley-Raab  
18 recently attended the Annual Meeting of the CDCA in  
19 Florida. He noted a round table of discussion with  
20 Board chairs and vice chairs from other states  
21 relating to the subjects that included whether state  
22 inspectors are trained and calibrated in the areas of  
23 infection control and recordkeeping. Dr. Erhard was  
24 informed that Invisalign owns 90 percent of Smile  
25 Direct that just opened up a store front in San

1 Francisco.]

2

\*\*\*

3 [Dr. Lugo exited the meeting at 12:54 p.m.]

4

\*\*\*

5 Report of Board Chairperson (Continued)

6 [Dr. Erhard was informed of a dental therapist bill in  
7 the Michigan House at the current time relating to  
8 human trafficking. Dr. Erhard discussed specialty  
9 recognition and the fact that boards cannot ensure the  
10 legitimacy of that specialty.

11 Dr. Erhard was informed that dentists can treat  
12 but cannot diagnose sleep apnea. He stated that  
13 Illinois was requesting that dentists be permitted to  
14 provide vaccinations.

15 Dr. Dattilo commented that the University of  
16 Pittsburgh received notification of the decision made  
17 back in November regarding the mandatory taking of  
18 perio whereas it was elective up to that point. He  
19 stated students will now have to find perio patients  
20 in order to take the exam in three weeks. There was  
21 further discussion regarding tabling the matter until  
22 the next examination cycle.]

23 DR. DATTILO:

24 I move to suspend implementation of the  
25 decision regarding the optional perio

1 part of the Board exams until September  
2 of 2018.

3 DR. MATTA:

4 Second.

5 CHAIRMAN ERHARD:

6 Is there any other discussion on the  
7 motion? All in favor? Opposed, same  
8 sign?

9 [The motion carried unanimously.]

10 \*\*\*

11 Report of Committees

12 [John E. DeFinnis, D.D.S., will provide a presentation  
13 at the next meeting. He did note that next year's  
14 American Dental Association Meeting will be held in  
15 Hawaii.]

16 Dr. DeFinnis read into the record excerpts of a  
17 presentation by Dr. Self of the Minnesota Dental  
18 School titled Future of Dental Education made by Dr.  
19 Self. Dr. DeFinnis added the doctor had good points  
20 but was approaching the matter incorrectly.]

21 \*\*\*

22 Report of Committees

23 [Chairman Erhard requested an updated Committee  
24 listing for the next meeting.]

25 \*\*\*

1 Expanded Function Dental Assistant Committee

2 [Theresa A. Groody, EFDA, Chairperson, discussed a  
3 letter from Dr. John Reitz, a former Board Chair and  
4 Chair of the Ethics Committee, regarding his  
5 recommendation of a regulation or statute change to  
6 make the EFDA exam both written and clinical.]

7 \*\*\*

8 Licensure Committee - No Report

9 \*\*\*

10 Newsletter Committee

11 [It was noted that articles have been reviewed and  
12 forwarded.]

13 \*\*\*

14 [Dr. Matta exited the meeting at 1:32 p.m. and re-  
15 entered at 1:45 p.m.]

16 \*\*\*

17 Practice Ownership - No Report

18 \*\*\*

19 Probable Cause Screening Committee

20 [Alice Hart Hughes, Esquire, Chairperson, noted the  
21 committee had met that morning to review three matters  
22 at the prosecutor's office.]

23 \*\*\*

24 Regulations/Legislative Review Committee

25 [John E. DeFinnis, D.D.S., Chairperson, stated the



1 Board should have an update on regulations.]

2 \*\*\*

3 Scope of Practice - No Report

4 \*\*\*

5 Report of Board Administrator - No Report

6 \*\*\*

7 Correspondence

8 [Chairperson Erhard referred Board members to the  
9 letter from ADEX for further review.]

10 \*\*\*

11 For the Board's Information/Discussion

12 [Dr. Erhard referred Board members to the JCDNE,  
13 Replacement of National Board Dental Examination for  
14 further discussion.]

15 \*\*\*

16 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
17 1:59 p.m. the Board entered into Executive Session  
18 with Kerry E. Maloney, Esquire, Board Counsel, for the  
19 purpose of conducting quasi-judicial deliberations.  
20 The Board returned to open session at 2:24 p.m.]

21 \*\*\*

22 MOTIONS

23 DR. DATTILO:

24 I move to accept the VRP Consent  
25 Agreement for File No. 17-46-09678.

1 MS. HUGHES:

2                   Second.

3 CHAIRMAN ERHARD:

4                   On the question?

5

6                   Hughes, aye; Seid, aye, Casey, aye;

7                   DeFinnis, aye; Matta, aye; Zehring, aye;

8                   Dattilo, aye; Groody, aye; Erhard, aye.

9 [The motion carried unanimously.]

10

\*\*\*

11 DR. DATTILO:

12                   I move to accept the VRP Consent

13                   Agreement for File No. 17-46-10770.

14 DR. MATTA:

15                   Second.

16 CHAIRMAN ERHARD:

17                   On the question?

18

19                   Hughes, aye; Seid, aye, Casey, aye;

20                   DeFinnis, aye; Matta, aye; Zehring, aye;

21                   Dattilo, aye; Groody, aye; Erhard, aye.

22 [The motion carried unanimously.]

23

\*\*\*

24 MS. GROODY:

25                   I move to reject the Consent Agreement

1 for File No. 14-46-12547 as too lenient.

2 MS. HUGHES:

3 Second.

4 CHAIRMAN ERHARD:

5 On the question?

6

7 Hughes, aye; Seid, aye, Casey, aye;

8 DeFinnis, aye; Matta, aye; Zehring, aye;

9 Dattilo, aye; Groody, aye; Erhard, aye.

10 [The motion carried unanimously.

11

\*\*\*

12 MS. ZEHRING:

13 I move to accept the Consent Agreement

14 for File No. 17-46-03396.

15 DR. MATTA:

16 Second.

17 CHAIRMAN ERHARD:

18 On the question?

19

20 Hughes, aye; Seid, aye, Casey, aye;

21 DeFinnis, aye; Matta, aye; Zehring, aye;

22 Dattilo, aye; Groody, aye; Erhard, aye.

23 [The motion carried unanimously. The Respondent's  
24 name is Mark J. Mele, D.M.D.]

25

\*\*\*

1 MS. ZEHRING:

2 I move to accept the Consent Agreement  
3 for File No. 17-46-05727.

4 DR. SEID:

5 Second.

6 CHAIRMAN ERHARD:

7 On the question?

8

9 Hughes, aye; Seid, aye, Casey, aye;  
10 DeFinnis, aye; Matta, aye; Zehring, aye;  
11 Dattilo, aye; Groody, aye; Erhard, aye.

12 [The motion carried unanimously. The Respondent's  
13 name is Daniel J. Milavec, D.D.S.]

14

\*\*\*

15 DR. MATTA:

16 I move to accept the Consent Agreement  
17 for File No. 17-46-08649.

18 DR. DATTILO:

19 Second.

20 CHAIRMAN ERHARD:

21 On the question?

22

23 Hughes, aye; Seid, aye, Casey, aye;  
24 DeFinnis, aye; Matta, aye; Zehring, aye;  
25 Dattilo, aye; Groody, aye; Erhard, aye.

1 [The motion carried unanimously. The Respondent's  
2 name is Cindy Ann Myers.]

3 \*\*\*

4 DR. MATTA:

5 I move to accept the Consent Agreement  
6 for File No. 17-46-11742.

7 DR. DATTILO:

8 Second.

9 CHAIRMAN ERHARD:

10 On the question?

11

12 Hughes, nay; Seid, aye, Casey, aye;  
13 DeFinnis, aye; Matta, aye; Zehring, aye;  
14 Dattilo, aye; Groody, aye; Erhard, aye.

15 [The motion carried. Ms. Hughes opposed the motion.  
16 The Respondent's name is Gary Lee Kimberlin, D.M.D.]

17 \*\*\*

18 DR. DEFINNIS:

19 I move to accept the Consent Agreement  
20 for File No. 17-46-11911.

21 DR. MATTA:

22 Second.

23 CHAIRMAN ERHARD:

24 On the question?

25

1 Hughes, nay; Seid, aye, Casey, aye;  
2 DeFinnis, aye; Matta, aye; Zehring, aye;  
3 Dattilo, aye; Groody, aye; Erhard, aye.

4 [The motion carried. Ms. Hughes opposed the motion.  
5 The Respondent's name is John M. Holovac, D.D.S.]

6 \*\*\*

7 DR. CASEY:

8 I move to accept the Consent Agreement  
9 for File No. 14-46-06179.

10 DR. MATTA:

11 Second.

12 CHAIRMAN ERHARD:

13 On the question?

14  
15 Hughes, aye; Seid, aye, Casey, aye;  
16 DeFinnis, aye; Matta, aye; Zehring,  
17 recused; Dattilo, aye; Groody, aye;  
18 Erhard, aye.

19 [The motion carried. Ms. Zehring recused from voting  
20 on the motion. The Respondent's name is Rupinder  
21 Mann, D.M.D.]

22 \*\*\*

23 DR. SEID:

24 I move to accept the Consent Agreement  
25 for File No. 15-46-04921.

1 DR. MATTA:

2 Second.

3 CHAIRMAN ERHARD:

4 On the question?

5

6 Hughes, aye; Seid, aye, Casey, aye;

7 DeFinnis, aye; Matta, aye; Zehring, aye;

8 Dattilo, aye; Groody, aye; Erhard, aye.

9 [The motion carried unanimously. The Respondent's  
10 name is Vincent Anthony Labruna, D.D.S.]

11

\*\*\*

12 MS. HUGHES:

13 In the matter of Julie Ann Miller,  
14 R.D.H. at File No. 15-46-14072, I move  
15 the Board grant the Motion to Enter  
16 Default and Deem Facts Admitted and that  
17 Board Counsel be directed to prepare an  
18 Adjudication and Order in accordance  
19 with our discussions in Executive  
20 Session.

21 DR. SEID:

22 Second.

23 CHAIRMAN ERHARD:

24 On the question?

25

1 Hughes, aye; Seid, aye, Casey, aye;  
2 DeFinnis, aye; Matta, aye; Zehring, aye;  
3 Dattilo, aye; Groody, aye; Erhard, aye.

4 [The motion carried unanimously.]

5 \*\*\*

6 MS. GROODY:

7 In the case of Carl Lee McGioster,  
8 D.D.S., File No. 16-46-11100, I move  
9 that the Board grant the Motion to Enter  
10 Default and Deem Facts Admitted and that  
11 Board Counsel be directed to prepare an  
12 Adjudication and Order in accordance  
13 with our discussions in Executive  
14 Session.

15 DR. MATTA:

16 Second.

17 CHAIRMAN ERHARD:

18 On the question?

19  
20 Hughes, aye; Seid, aye, Casey, aye;  
21 DeFinnis, aye; Matta, aye; Zehring, aye;  
22 Dattilo, aye; Groody, aye; Erhard, aye.

23 [The motion carried unanimously.]

24 \*\*\*

25 Adjournment



1 CHAIRMAN ERHARD:

2 We need a motion to adjourn.

3 DR. SEID:

4 I move that we adjourn.

5 DR. MATTA:

6 Second.

7 CHAIRMAN ERHARD:

8 All in favor?

9 [The motion carried unanimously.]

10 \*\*\*

11 [There being no further business, the State Board of  
12 Dentistry meeting adjourned at 2:30 p.m.]

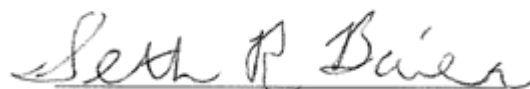
13 \*\*\*

14 CERTIFICATE

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

20

21



22

Seth R. Baier

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

STATE BOARD OF DENTISTRY  
REFERENCE INDEX  
January 19, 2018

	TIME	AGENDA
1		
2		
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5		
6		
7	9:01	Official Call to Order
8		
9	9:02	Introduction of Board
10		
11	9:05	Amendment of Agenda
12		
13	9:07	Appointment - Office of Finance and Operations Presentation
14		
15		
16	9:15	Appointment - CDCA/ADEX Presentation
17		
18	11:06	Appointment - CHIP Presentation
19		
20	11:27	Recess
21	11:46	Return to Open Session
22		
23	11:47	Report of Prosecutorial Division
24		
25	11:54	Executive Session
26	12:10	Return to Open Session
27		
28	12:10	Motions
29		
30	12:14	Approval of Minutes
31		
32	12:15	Report of Prosecutorial Division (cont.)
33		
34	12:40	Report of Board Counsel
35		
36	12:45	Recess
37	12:46	Return to Open Session
38		
39	12:47	Report of Board Chairperson
40		
41	1:31	Report of Committees
42		
43	1:55	Correspondence
44		
45	1:57	For the Board's Information
46		
47	1:59	Executive Session
48	2:24	Return to Open Session
49		

STATE BOARD OF DENTISTRY  
REFERENCE INDEX  
January 19, 2018  
(Cont.)

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2:25 Motions  
2:30 Adjournment