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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: 9:58 A.M.

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

November 15, 2019

State Board of Dentistry
November 15, 2019

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BOARD MEMBERS:

- John F. Erhard III, D.D.S., Chairperson
- K. Kalonji Johnson, Acting Commissioner, Bureau of Professional and Occupational Affairs
- Shawn M. Casey, D.M.D.
- Barbara (Bonnie) L. Fowler, Public Member
- Godfrey Joel Funari, M.S., D.M.D.
- Theresa A. Groody, EFDA
- Alice Hart Hughes, Esquire, Secretary, Public Member
- Joel S. Jaspan, D.D.S.
- R. Ivan Lugo, D.M.D.
- Andrew S. Matta, D.M.D. - Absent
- LaJuan M. Mountain, D.M.D.
- Donna L. Murray, R.D.H.
- Arlene G. Seid, M.D., M.P.H., Medical Director of Quality Assurance, Physician General/Secretary of Health - Absent
- Amber Sizemore, Esquire, Office of Attorney General
- Jennifer Unis Sullivan, D.M.D., J.D.

BUREAU PERSONNEL:

- Dana M. Wucinski, Esquire, Board Counsel
- Jackie W. Lutz, Esquire, Board Counsel
- Paul J. Jarabeck, Esquire, Board Prosecution Liaison
- Christopher K. McNally, Esquire, Board Prosecutor
- Lisa M. Burns, Board Administrator

- Kimberly A. Mattis, Director, Bureau of Finance and Operations, Department of State
- Julie Snader, Deputy Director, Bureau of Finance and Operations, Department of State
- Amanda Richards, Bureau of Finance and Operations, Department of State
- Shannon Boop, Fiscal Management Specialist, Bureau of Finance and Operations
- Marc Farrell, Deputy Policy Director, Office of Policy

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ALSO PRESENT:

Sherri Myers, Hygienist, Professor at Northampton
Community College
Morgan Plant, Government Relations Consultant,
Pennsylvania Dental Hygienists' Association
Lisa Maisonet, President, Pennsylvania Dental
Hygienists' Association
Rachel Coffee, RDH, MS, Director of Dental Health,
Luzerne County Community College
Marisa Swarney, Director, Government Relations,
Pennsylvania Dental Association
Ann Hart
Peter Ross, DMD, Lancaster Pediatric Dental
Associates, P.C. and Pennsylvania Academy of
Pediatric Dentistry
Robert Salem, Dentist
Kerry Maloney, Esquire, Counsel for Respondent
Denise Juliana, Esquire, Counsel for Respondent
Angela M. Stout, D.M.D., M.P.H., Vice President of
Pennsylvania Academy of Pediatric Dentistry
Barbara Reiprich, RDH, PHDHP, Pennsylvania Dental
Hygienists' Association
Andrew C. Harvan, Esquire, Pennsylvania Medical
Society
Tyler Roach, Field Director of ESIS
Steve Neidlinger, CAE, Executive Director,
Pennsylvania Academy of General Dentistry
Joan Burke, CDA, EFDA, Pennsylvania Dental Assistant
Association
Cindy Hyle, Certified Dental Hygienist and Associate
Professor in Cosmetology
Dr. Cindy Olenwine
Mr. Shawn, American Healthcare Costs

1 ***

2 State Board of Dentistry

3 November 15, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Dentistry was held on Friday, November 15,
7 2019. John F. Erhard III, D.D.S., Chairman, called
8 the meeting to order at 9:58 a.m. A quorum was noted
9 to be present.

10 ***

11 Introduction of Board and Audience

12 [Chairman Erhard requested the introduction of Board
13 members. Jackie W. Lutz, Esquire, Board Counsel,
14 provided a summary of her professional background.

15 Chairman Erhard welcomed Ms. Lutz to the Board
16 and thanked Ms. Wucinski for her work for the Board.
17 He then requested the members of the audience also
18 introduce themselves.

19 Chairman Erhard also directed the Board members
20 to use their microphones when talking in order to be
21 heard throughout the room.]

22 ***

23 Appointment - BFO Budget Review

24 [Kimberly A. Mattis, Director, Bureau of Finance and
25 Operations, introduced herself. Ms. Mattis also

1 introduced Shannon Boop, Fiscal Management Specialist,
2 Bureau of Finance and Operations.

3 Ms. Mattis directed the Board's attention to the
4 Budget packet information. She started by referring
5 to the Board's licensee population counts bar graph.
6 Ms. Mattis stated currently there are 29,121 licensees
7 with a recent increase of 83 licensees, totaling
8 29,204.

9 Acting Commissioner Johnson pointed out that a
10 fiscal year run into a two-year calendar period. Ms.
11 Mattis clarified that a fiscal year commences July 1st
12 until June 30th of the following year. Acting
13 Commissioner Johnson compared the licensee population
14 from the prior fiscal year to the current fiscal year,
15 recognizing a trend to increase the Board's licensee
16 population.

17 Ms. Mattis referred to sources of Revenue for the
18 Board, noting the cost categories and the totals for
19 FY17-18, FY18-19, and the current biennial total. She
20 noted the biggest bulk of revenue was from renewals
21 and applications at 92.5 percent of the revenue.

22 Dr. Jaspan questioned the non-revenue under Act
23 48 for FY18-19. Ms. Mattis explained that no fines
24 were collected under Act 48 for that fiscal year.

25 Ms. Mattis reviewed expenses attributed to

1 administrative and legal costs. She mentioned
2 expenses can be incurred from timesheet-based charges,
3 direct charges, and license-based charges. She noted
4 the expenses for FY17-18 and FY18-19, along with the
5 budget for FY19-20. She also noted the expenses as of
6 the end of November 5, 2019.

7 Ms. Mattis reviewed the Board's proposed and
8 projected financial status. She discussed the Board's
9 approval of a 40% fee increase in September of 2017,
10 which would become effective in March of 2021, as well
11 as a 5% increase in renewal fees. She noted the Board
12 started out with a deficit in FY17-18. She discussed
13 the Board considering an incremental increase in
14 renewal fees for all licensure classes, as well as
15 application fees. She noted a projected deficit for
16 the Budget FY19-20.

17 Chairman Erhard requested that Ms. Mattis explain
18 to the new Board members the utilization of the
19 revenue and incurring the deficit. Ms. Mattis
20 explained the Board's revenue is a restricted revenue
21 account. Any interest gained on the account is
22 forwarded to the Bureau's augmentation account for all
23 licensing boards. All fees are gained by the Board.
24 The Board may borrow from the augmentation account
25 should it go into the red, but the money would have to

1 be repaid. Ms. Mattis indicated three Boards cannot
2 utilize the augmentation account. The ability to
3 spend is appropriated through the legislature every
4 fiscal year. Ms. Mattis added there would be no
5 interest rate charged on monies borrowed by the Board.

6 Ms. Mattis discussed the Board member expenses.
7 She reviewed the expenses for FY17-18, FY18-19, the
8 budget for FY19-20, and the expenses as of the end of
9 November 5, 2019.

10 Ms. Mattis commented that the current budgeted
11 amount seemed sufficient and would remain through the
12 FY20-21 budget request. She informed the Board that
13 monies not used will go back into their restricted
14 account.

15 Ms. Mattis noted a bar graph of expenses over the
16 past few years for the Board's review.]

17 ***

18 Dental Fee Increase

19 [Ms. Mattis next referred the Board to the Dental Fee
20 Increase package for review and discussion. She
21 started by referring to the projected biennial
22 revenue, biennial budget/expenses, and biennial
23 balance.

24 Ms. Mattis next referred to the renewable
25 licensee counts bar graph. She discussed an expense

1 and revenue history comparison for the Board. The
2 projected revenue and expenses without a fee increase
3 from FY18-19 through FY25-26 were observed.

4 Ms. Mattis reviewed a comparison report of fees
5 for surrounding states prepared by Saint Francis
6 University. She noted the different licensure
7 classifications identified in each state. She also
8 recognized the states with the lowest and highest
9 fees. Pennsylvania was the lowest in many of the
10 classifications. She also noted the renewal
11 frequencies for each state.

12 Ms. Mattis next discussed a proposed 18% renewal
13 fee increase per biennial renewal period for all
14 licensure classification becoming effective in March
15 of 2021. She specifically noted the increase in
16 application and renewal fees for FY20-21 through FY25-
17 26.

18 Chairman Erhard questioned whether the proposed
19 increase in renewals was calculated on a per year
20 basis. Ms. Mattis clarified that the proposed
21 increase was based a renewal period. She outlined the
22 increase in renewal fees applied to each licensure
23 class. This fee increase package would put the Board
24 at a break-even point in six years. Ms. Mattis added,
25 if the fee increase would continue into the next

1 renewal, the Board would have a surplus. A review of
2 the fee increases would be conducted each year to
3 validate an increase the new renewal period.

4 Ms. Mattis also discussed another renewal fee
5 increase per biennial period option for the Board to
6 consider. This option provided for a 20% fee increase
7 for dental hygienists, expanded function dental
8 assistants, dental hygienist local anesthesia, public
9 health dental hygienist practitioner, and EFDA
10 education program classes, as well as providing for a
11 tiered (20% - 15% - 10%) fee increase for dentists,
12 anesthesia - unrestricted, anesthesia - restricted I,
13 anesthesia - restricted II, and restricted faculty
14 licensee classes.]

15 ***

16 [R. Ivan Lugo, D.M.D., exited the meeting at 10:36
17 a.m.]

18 ***

19 [Ms. Mattis outlined the increase in renewal fees
20 applied to each licensure class with this option over
21 the next six years. This goal of each viable option
22 is to get the Board back in the black on its budget.]

23 ***

24 [R. Ivan Lugo, D.M.D., re-entered the meeting at 10:38
25 a.m.]

1 ***

2 [Ms. Mattis next delineated the current and proposed
3 application fees for each licensee type.

4 The Board questioned whether a current Board-
5 approved fee increase would be implemented when the
6 2017 Board-approved fee increase was not implemented.
7 Ms. Mattis discussed the length of time and hindrances
8 in obtaining legislative approval of a fee increase
9 package, specifically identifying issues with the 2017
10 Board-approved fee increase package. She highlighted
11 steps of the Bureau of Finance and Operations and the
12 Policy Office to remedy the identified issues.

13 Acting Commissioner Johnson discussed the
14 regulatory process for the final promulgation of any
15 Board's regulatory fees package, specifically
16 responding to comments from the Independent Regulatory
17 Review Commission (IRRC). He reviewed the steps taken
18 by Board Counsel and the Policy Office to move this
19 Board's fee package forward and acknowledged the
20 Board's frustration on the matter.]

21 MS. HUGHES:

22 Mr. Chairman, can I make a motion that
23 we accept the proposal from the Finance
24 to increase the fees 18% per renewal
25 cycle for the next three cycles.

1 CHAIRMAN ERHARD:

2 You can make that motion. Is there a
3 second? Then we can discuss it.

4 DR. JASPAN:

5 Second.

6 [Marc Farrell, Deputy Policy Director, Office of
7 Policy, stated the promulgation of all Board's fee
8 package was a priority for Secretary of State Kathy
9 Boockvar. He expressed a competency that the fee
10 package would be approved by Governor's Policy Office
11 and IRRC. Mr. Farrell reiterated a commitment of the
12 Bureau staff to advance the packages.

13 The Board discussed approving the 18% increase
14 per renewal cycle for the next three cycles' option.]

15 CHAIRMAN ERHARD:

16 Following the discussion, I would like
17 to call for a vote on the motion by
18 Attorney Hughes.

19 All in favor, respond by saying
20 aye. Opposed, same sign.

21 Thank you, unanimous.

22 [The motion carried unanimously.]

23 ***

24 [K. Kalonji Johnson, Acting Commissioner, Bureau of
25 Professional and Occupational Affairs, exited the

1 meeting at 10:50 a.m.]

2 ***

3 Approval of Minutes of the September 13, 2019 meeting

4 CHAIRMAN ERHARD:

5 With the approval of the minutes from
6 the last meeting, are there any
7 additions or corrections?

8 Being none, all in favor of
9 accepting the minutes as presented,
10 signify by saying aye. Opposed, same
11 sign. Any abstentions?

12 [The motion carried. Alice Hart Hughes, Esquire,
13 abstained from voting on the minutes.]

14 ***

15 Report of Prosecutorial Division

16 [Christopher K. McNally, Esquire, Board Prosecutor,
17 presented the Consent Agreements for File No. 17-46-
18 06040 and File No. 17-46-06041.]

19 ***

20 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,
21 on behalf of Julia A. Caralle, Esquire, presented the
22 Consent Agreement for File No. 15-46-01565 & 15-46-
23 10390.

24 Kerry Maloney, Esquire, and Denise Juliana,
25 Esquire, Counsel for the Respondent, were also present

1 for the discussion.]

2

3 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,
4 presented the Consent Agreement for File No. 19-46-
5 013076.]

6

7 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,
8 discussed an Adjudication and Order issued by the
9 Board related to an unlicensed individual practicing
10 as an expanded function dental assistant. He reported
11 that continued violations occurred after the Board's
12 order. The jurisdiction of the Commonwealth Court was
13 sought in order to enforce the Board's order, as well
14 as to obtain an injunction to stop the unlawful,
15 unlicensed practice. The Court granted the Order.]

16

17 Report of Board Counsel

18 [Dana M. Wucinski, Esquire, Board Counsel, noted that
19 the Board will be discussing the Consent Agreements
20 presented along with agenda items 6 through 16 and 18
21 in Executive Session.

22 Jackie W. Lutz, Esquire, Board Counsel, noted
23 additional items for discussion in Executive Session.]

24

25 Report of Board Chairman

1 [John F. Erhard III, D.D.S., Chairman, requested Dr.
2 Funari discuss a few matters brought to his attention.
3 Dr. Funari first stated Dr. James Robbins, Chair of
4 the Pennsylvania Anesthesia Inspection Committee,
5 requested the opportunity to address the Board at its
6 next meeting.

7 Dr. Funari next discussed the American
8 Association of Oral and Maxillofacial Surgeon's
9 (AAOMS) attempt to assemble a leadership program for
10 oral surgeons on state boards. A meeting will be held
11 on Saturday and Sunday, May 30 and 31, 2020, at the
12 headquarters of AAOMS in Chicago, Illinois. Dr.
13 Funari has been requested to attend this meeting.
14 Chairman Erhard instructed Dr. Funari to submit to the
15 Bureau for travel expenses.

16 Chairman Erhard reported on his attendance at a
17 Commission on Dental Accreditation (CODA) dental
18 hygienist course as an official observer from the
19 Board. He commended Ms. Murray for her input.

20 Chairman Erhard next discussed Act 41 and his
21 responsibilities as the Chair. He encouraged the
22 Board to provide their input on the matter. He also
23 noted the discussion on Act 41 and the Board's
24 decision to create an Act 41 Committee comprised of
25 Terry Groody, Donna Murray, and himself at its last

1 meeting. The Board has an 18-month period for the
2 development of a formal process.

3 Ms. Wucinski clarified that the Board has 18-
4 months to form a regulation, but is currently
5 implementing Act 41. Chairman Erhard reviewed the
6 background of Act 41 and the intent to pull a
7 workforce to Pennsylvania for enterprises that rely on
8 licensed workers. He noted Secretary Boockvar cited,
9 as an example, workers in healthcare, academia and
10 constructions might be more eager to tap into a larger
11 talent pool and may ultimately foster growth in
12 Pennsylvania's economy. Secretary Boockvar also
13 stated this law would be especially helpful for
14 members of the military and spouses who frequently
15 move from state to state to obtain licensure.

16 Chairman Erhard characterized the law as a
17 pathway for licensure by endorsement in Pennsylvania
18 for individuals licensed in good standing in other
19 states. The Board grants a licensure by endorsement
20 if the applicant (1) Holds a license in another state
21 whose licensure requirements are substantially
22 equivalent, (2) Demonstrates competency in the
23 profession through methods determined by the Board,
24 such as continuing education or practice of the
25 profession cumulatively for two year of the last five

1 years; (3) Has not committed any act that constitutes
2 grounds for refusal, suspension, or revocation of a
3 license unless they have done something and the Board
4 determines it is okay or not significant grounds to
5 deny; (4) Is in good standing in their other
6 jurisdiction; and (5) Pays all fees.

7 Chairman Erhard suggested that annual CE
8 requirements be fulfilled for each licensing cycle
9 during the previous five years, regardless of act of
10 practice. The Board is now taxed with reviewing and
11 creating a policy specific to the Dental Board, which
12 licenses two distinct groups, dentists and dental
13 hygienists. The process of provisional licensure will
14 commence with applicant presenting documents to the
15 committee for approval. The denials of the committee
16 would be presented to the Board as a whole for review
17 and final determination.

18 Chairman Erhard suggested that the committee
19 should determine the requirements for a provisional
20 licensee to acquire a full license. He asked the
21 Board to consider the question, how long of a
22 timeframe does a provisional licensee have to meet the
23 prescribed requirements? Answer, as a general rule,
24 one year or a timeframe to be determined on a case-by-
25 case basis. Should the committee suggest a timeframe

1 to the entire Board or require one given the committee
2 has already approved the application?

3 Chairman Erhard opined that in some cases, for
4 example, military or military spouses can easily be
5 fast-tracked, while other may require longer
6 timeframes for investigation. He discussed the
7 committee's review of applications on a case-by-case
8 basis.

9 Chairman Erhard noted the Board's agreement that
10 the practice of a cumulative period of two years in
11 the previous five would be acceptable in confirming
12 competency. The Board needs to decide the
13 requirements to be met for each individual during the
14 provisional license period. The Board previously also
15 agreed that at a minimum the National Dental Board
16 examination had to be passed prior to application for
17 provisional license.

18 Chairman Erhard discussed the Board's acceptance
19 of an individual's application following passage of a
20 licensure examination similar to the ADEX exam. He
21 questioned the committee's processing of applications
22 of applicants from non-reciprocal states or passage of
23 a non-licensure examination, such as completion of a
24 PGY-1.

25 Chairman Erhard discussed an alternative to the

1 licensure examination, such as requiring an
2 educational component, offering a pathway for dentists
3 who have been in practice for many years. He
4 suggested considering graduation from CODA or a CODA-
5 equivalent institution, passage of the National Dental
6 Board examination, actively practicing for a
7 cumulative period of two years in the past five years,
8 and completion of 30 hours of CE in each of the
9 renewal periods.

10 Chairman Erhard encouraged full Board
11 participation to develop its Act 41 regulation. He
12 noted Acting Commissioner Johnson's comments at its
13 last meeting that the Board was well positioned with
14 well-defined requirements already in place.

15 Chairman Erhard offered to entertain questions
16 and comments from the Board and audience members on
17 the matter. Dr. Jaspan noted Pennsylvania's non-
18 tolerance for child and substance abuse.

19 Ms. Wucinski clarified that a provisional license
20 would not be granted by the committee. The
21 committee's recommendations for denial or approval of
22 a provisional license would go before the full Board
23 for vote. Ms. Wucinski reiterated the Board's vote
24 and determination on the requirements for
25 substantially equivalent and competency for dentists

1 and dental hygienists at its last meeting.

2 Requiring that applicants remain current with
3 their CE was discussed. The reasons for granting a
4 provisional license were reviewed. Ms. Burns added
5 that the applications would go to the committee for
6 consideration, if necessary, after her review of the
7 application meeting the standard requirements.

8 Ms. Murray questioned whether a dental hygienists
9 licensure examination might be forthcoming. Ms.
10 Wucinski discussed reviewing each application on a
11 case-by-case basis for substantial equivalence at this
12 time, such as with a PGY-1.]

13 ***

14 Report of Acting Commissioner - No Report

15 ***

16 Report of Board Administrator - No Report

17 ***

18 Report of Committees - Expanded Function Dental

19 Assistant Committee

20 [Theresa A. Groody, EFDA, continues to inquire as to
21 the status of the EFDA examination and receives no
22 updates. Ms. Wucinski commented that the
23 implementation of the Act 41 regulation would support
24 moving forward with the EFDA examination.]

25 ***

1 [Chairman Erhard requested each Board member to obtain
2 an update on the status of each initiative.]

3 ***

4 Licensure Committee - No Report

5 ***

6 Newsletter Committee - No Report

7 ***

8 Probable Cause Screening Committee

9 [Alice Hart Hughes, Esquire, Public Member, Secretary,
10 mentioned that the committee met earlier and noted
11 one item for consideration.]

12 ***

13 Regulations/Legislative Review Committee

14 [R. Ivan Lugo, D.M.D., announced the committee met
15 earlier in the day and discussed additional practice
16 sites and practice concerns. The committee will
17 obtain language from Counsel for a needs-based process
18 for provisional care medical practice settings.
19 Counsel will also cross-reference existing language
20 for consideration by the Board.

21 Dr. Lugo stated a number of issues addressing
22 needs and public safety were addressed in a public
23 setting. The committee will also provide
24 recommendation to the full Board after having an
25 opportunity to evaluate additional information and

1 data in relation to the practice of patients,
2 agreements and safely delivering care without
3 increasing risks to the public health community at
4 large.

5 Dr. Lugo welcomed comments from the other
6 committee members.]

7 ***

8 Scope of Practice Committee - No Report

9 [Chairman Erhard stated Dr. Seid and Dr. Matta had
10 called to state they were unavailable for this
11 meeting. Dr. Matta advised that the scheduled meeting
12 of the Scope of Practice Committee was cancelled.

13 A topic to be discussed at the meeting related to
14 digital scanning. Chairman Erhard awaits a
15 recommendation from the committee on the matter.]

16 ***

17 [Chairman Erhard discussed a recommendation from an
18 insurance carrier that applicants must meet the
19 requirements for licensure in order to obtain a
20 policy. It was noted the applicant has 60 days under
21 section 3.2.]

22 ***

23 Correspondence

24 [Chairman Erhard noted correspondence from the
25 Pennsylvania Dental Association (PDA) regarding Do-It-

1 Yourself Dentistry & Teledentistry. Dr. Jaspan
2 questioned the status of teledentistry in
3 Pennsylvania. Ms. Wucinski stated the bill has not
4 yet passed. She also directed that no action was
5 required by the Board at this time. Chairman Erhard
6 recognized PDA members in the audience in reference to
7 the comments made by the Board.

8 Ms. Murray offered additional information, such
9 as noting the ADA guide to understanding and
10 documenting teledentistry and an ADA article
11 supporting teledentistry.

12 Dr. Jaspan also questioned the practice of
13 dentistry or orthodontics without a license and
14 whether it would be within the purview of the Board to
15 address. Ms. Wucinski advised the Board members to
16 file a complaint with the Department of State (DOS)
17 relating to any practice without a license. The DOS
18 can order a cease and desist or cite civil penalties
19 to the individual. Dr. Jaspan offered additional
20 information regarding a circumstance of practicing
21 without a license.

22 Ms. Lutz advised that such information should not
23 be brought before the Board as the Board may not be
24 able to ultimately make a decision on the prosecuted
25 matter. She reiterated that it was best to file a

1 complaint with the DOS.]

2

3 [Marisa Swarney, Director, Government Relations,
4 Pennsylvania Dental Association, requested to address
5 the Board. She brought to the Board's attention the
6 practice of health services in the private sector.
7 She noted the implementation of one telehealth model
8 that would allow an employer like Amazon to open its
9 stores to provide hygiene services onsite to its
10 employees. The question was raised as to whether the
11 general supervision requirement applied to dental
12 facilities would be applied to a telehealth model.
13 Ms. Swarney noted the expectation for these situations
14 to increase as telehealth medicine and dentistry
15 expands.

16 Ms. Wucinski advised the telehealth model must
17 follow the existing regulations, which require the
18 supervision. The requirements for teledentistry will
19 be set once the bill and regulation are passed. The
20 Board would welcome comments on the matter while
21 drafting its regulation.

22 Chairman Erhard questioned the Board's ability to
23 terminate such practices. He urged Board members to
24 contemplate this practice for future discussion.]

25

1 [Lisa Burns, Board Administrator, inquired as to Board
2 member participation in the Dental Hygiene Education
3 and Accreditation site visit at the Montgomery
4 Community College on October 20 - 21, 2020. The Board
5 members discussed their availability for the site
6 visit.]

7

8 For the Board's Information/Discussion
9 Election of Officers

10 MS. WUCINSKI:

11 The last thing we have before our
12 Executive Session is the election of
13 officers. Does anyone have a nomination
14 for Chairperson?

15 MS. HUGHES:

16 I'd like to make a nomination that Dr.
17 Erhard to be Chairperson again.

18 MS. FOWLER:

19 I second it.

20 MS. WUCINSKI:

21 All those in favor. Opposed.

22 [The motion carried unanimously. Chairman Erhard
23 thanked the Board members for his election as Chairman
24 and for their service to the Board.]

25

1 MS. WUCINSKI:

2 Moving onto the Board Secretary.

3 DR. LUGO:

4 I'd like to nominate Alice Hughes.

5 DR. MURRAY:

6 Second.

7 MS. WUCINSKI:

8 All those in favor. Opposed.

9 [The motion carried unanimously.]

10 ***

11 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
12 12:07 p.m. the Board entered into Executive Session
13 with Dana M. Wucinski, Esquire, Board Counsel, and
14 Jackie W. Lutz, Esquire, Board Counsel, for the
15 purpose of conducting quasi-judicial deliberations on
16 a number of matters currently pending before the Board
17 and to receive the advice of counsel. The Board
18 returned to open session at 1:51 p.m.]

19 ***

20 MOTIONS

21 DR. SULLIVAN:

22 In the matter of Robert Thielen for the
23 Review of Applications, I motion to
24 rescind the provisional denial and grant
25 the original application.

1 CHAIRMAN ERHARD:

2 We need a second.

3 MS. GROODY:

4 Second.

5 CHAIRMAN ERHARD:

6 On the question.

7

8 Furnari, aye; Casey, aye; Sullivan, aye;

9 Jaspan, aye; Mountain, aye; Sizemore,

10 aye; Fowler, aye; Hughes, aye; Lugo,

11 aye; Groody, aye; Murray, aye; and

12 Erhard, aye.

13 [The motion carried unanimously.]

14

15 MS. MURRAY:

16 I move to accept the Consent Agreement

17 for File No. 15-48-01565 & 15-46-10390.

18 CHAIRMAN ERHARD:

19 We need a second.

20 DR. FUNARI:

21 Second.

22 CHAIRMAN ERHARD:

23 On the question.

24

25 Furnari, aye; Casey, aye; Sullivan, aye;

1 Jaspan, aye; Mountain, aye; Sizemore,
2 aye; Fowler, nay; Hughes, nay; Lugo,
3 nay; Groody, aye; Murray, aye; and
4 Erhard, nay.

5 [The motion carried. The name in that case being Jim
6 Cheng, D.M.D.]

7 ***

8 DR. FURNARI:

9 I move to accept the VRP Consent
10 Agreement for File No. 19-46-013076.

11 CHAIRMAN ERHARD:

12 We need a second.

13 MS. GROODY:

14 Second.

15 CHAIRMAN ERHARD:

16 On the question.

17
18 Furnari, aye; Casey, aye; Sullivan, aye;
19 Jaspan, aye; Mountain, aye; Sizemore,
20 aye; Fowler, aye; Hughes, aye; Lugo,
21 aye; Groody, aye; Murray, aye; and
22 Erhard, aye.

23 [The motion carried unanimously.]

24 ***

25 DR. CASEY:

1 I move to accept the Consent Agreements
2 or File No. 17-46-06040 and File No. 17-
3 46-06041.

4 CHAIRMAN ERHARD:

5 I need a second.

6 DR. SULLIVAN:

7 Second.

8 CHAIRMAN ERHARD:

9 On the question.

10

11 Furnari, aye; Casey, aye; Sullivan, aye;
12 Jaspán, nay; Mountain, aye; Sizemore,
13 aye; Fowler, nay; Hughes, aye; Lugo,
14 aye; Groody, aye; Murray, nay; and
15 Erhard, aye.

16 [The motion carried. The name in File No. 17-46-06040
17 being Thomas Hill Brown III, D.M.D. The name in File
18 No. 17-46-06041 being Christine L. Baroni, D.M.D.]

19

20 DR. FURNARI:

21 I move that the Board adopt the Hearing
22 Examiner's Proposed Adjudication and
23 Order in the case Donald B. Brockley,
24 D.M.D., File No. 15-46-02021.

25 MS. HUGHES:

1 Second.

2 CHAIRMAN ERHARD:

3 On the question.

4

5 Furnari, aye; Casey, aye; Sullivan, aye;
6 Jaspan, aye; Mountain, aye; Sizemore,
7 aye; Fowler, aye; Hughes, aye; Lugo,
8 aye; Groody, aye; Murray, aye; and
9 Erhard, aye.

10 [The motion carried unanimously.]

11

12 DR. CASEY:

13 I move that the Board adopt the Hearing
14 Examiner's Proposed Adjudication and
15 Order in the case of Andrew Maron,
16 D.D.S., File No. 15-46-14862, and direct
17 Board Counsel to prepare the Board's
18 Final Order.

19 MS. FOWLER

20 Second.

21 CHAIRMAN ERHARD:

22 On the question.

23

24 Furnari, aye; Casey, aye; Sullivan, aye;
25 Jaspan, aye; Mountain, aye; Sizemore,

1 aye; Fowler, aye; Hughes, aye; Lugo,
2 aye; Groody, aye; Murray, aye; and
3 Erhard, aye.

4 [The motion carried unanimously.]

5 ***

6 DR. SULLIVAN:

7 I make a motion to adopt the Proposed
8 Adjudication and Order for Kathleen
9 Mullen, D.M.D., File No. 19-46-005485.

10 MS. HUGHES:

11 Second.

12 CHAIRMAN ERHARD:

13 On the question.

14
15 Furnari, aye; Casey, aye; Sullivan, aye;
16 Jaspan, aye; Mountain, aye; Sizemore,
17 aye; Fowler, aye; Hughes, aye; Lugo,
18 aye; Groody, aye; Murray, aye; and
19 Erhard, aye.

20 [The motion carried unanimously.]

21 ***

22 DR. JASPAN:

23 I make a motion to adopt the Final
24 Adjudication and Order for Ayman Abusoud
25 Jacobs, D.M.D., File No. 17-46-11888.

1 MS. GROODY:

2 Second.

3 CHAIRMAN ERHARD:

4 On the question.

5

6 Furnari, aye; Casey, aye; Sullivan, aye;
7 Jaspan, aye; Mountain, aye; Sizemore,
8 aye; Fowler, aye; Hughes, aye; Lugo,
9 aye; Groody, aye; Murray, aye; and
10 Erhard, aye.

11 [The motion carried unanimously.]

12 ***

13 DR. MOUNTAIN:

14 I move the Board adopt the Final
15 Adjudication and Order presented by
16 Board Counsel in the case of Ean Rupert
17 James, D.M.D., File No. 16-46-10910.

18 MS. SIZEMORE:

19 Second.

20 CHAIRMAN ERHARD:

21 On the question.

22

23 Furnari, aye; Casey, aye; Sullivan, aye;
24 Jaspan, aye; Mountain, aye; Sizemore,
25 aye; Fowler, aye; Hughes, nay; Lugo,

1 aye; Groody, aye; Murray, aye; and
2 Erhard, aye.

3 [The motion carried.]

4 ***

5 MS. SIZEMORE:

6 I move the Board adopt the Final
7 Adjudication and Order presented by
8 Board Counsel in the case of Elizabeth
9 J. Rightweiser, R.D.H., File No. 16-46-
10 03453.

11 MS. FOWLER:

12 Second.

13 CHAIRMAN ERHARD:

14 On the question.

15
16 Furnari, aye; Casey, aye; Sullivan, aye;
17 Jaspan, aye; Mountain, aye; Sizemore,
18 aye; Fowler, aye; Hughes, aye; Lugo,
19 aye; Groody, aye; Murray, aye; and
20 Erhard, aye.

21 [The motion carried unanimously.]

22 ***

23 MS. FOWLER:

24 I move the Board adopt the Final
25 Adjudication and Order presented in the

1 case of Michael Stanley Taras, D.M.D.,
2 File No. 14-46-01973, and direct Board
3 Counsel to prepare the Board's Final
4 Order.

5 MS. GROODY:

6 Second.

7 CHAIRMAN ERHARD:

8 On the question.

9
10 Furnari, aye; Casey, aye; Sullivan, aye;
11 Jaspán, aye; Mountain, aye; Sizemore,
12 aye; Fowler, aye; Hughes, aye; Lugo,
13 aye; Groody, aye; Murray, aye; and
14 Erhard, aye.

15 [The motion carried unanimously.]

16 ***

17 MS. HUGHES:

18 I move that in the matter of Jamshid K.
19 Assadinia, D.D.S., File No. 18-46-
20 005332, to authorize Board Counsel to
21 settle the matter in accordance with the
22 discussions held in Executive Session.

23 MS. GROODY:

24 Second.

25 CHAIRMAN ERHARD:

1 On the question.

2

3 Furnari, aye; Casey, aye; Sullivan, aye;
4 Jaspan, aye; Mountain, aye; Sizemore,
5 aye; Fowler, aye; Hughes, aye; Lugo,
6 aye; Groody, aye; Murray, aye; and
7 Erhard, aye.

8 [The motion carried unanimously.]

9

10 DR. LUGO:

11 I move to deny the Respondent's request
12 to reopen the record and reconsider
13 sanctions imposed in the matter of File
14 No. 17-46-04114.

15 MS. HUGHES:

16 Second.

17 CHAIRMAN ERHARD:

18 On the question.

19

20 Furnari, aye; Casey, aye; Sullivan, aye;
21 Jaspan, aye; Mountain, aye; Sizemore,
22 aye; Fowler, aye; Hughes, aye; Lugo,
23 aye; Groody, aye; Murray, aye; and
24 Erhard, aye.

25 [The motion carried unanimously. The name in the case

1 being Joshua A. Robbins, D.D.S.]

2 ***

3 MS. GOODY:

4 In the case of Robert L. Romeo, D.M.D.,
5 File No. 15-46-11873, I move that an
6 Order be issued demanding remanding the
7 case back to the Hearing Examiner for a
8 second day of hearings to receive
9 evidence on (1) What the OSHA standards
10 for a dental practice are; and (2) Which
11 specific CDC guidelines the Respondent
12 was charged with violating that the
13 Respondent contends are pre-empted by
14 OSHA.

15 DR. FURNARI:

16 Second.

17 CHAIRMAN ERHARD:

18 On the question.

19
20 Furnari, aye; Casey, aye; Sullivan, aye;
21 Jaspán, aye; Mountain, aye; Sizemore,
22 aye; Fowler, aye; Hughes, aye; Lugo,
23 aye; Groody, aye; Murray, aye; and
24 Erhard, aye.

25 [The motion carried unanimously.]

1 ***

2 [Chairman Erhard noted the next meeting date as
3 January 17, 2020. He wished everyone a Happy
4 Thanksgiving, Christmas, and New Year holidays.

5 Chairman Erhard also noted the 2020 meeting
6 dates.]

7 ***

8 Adjournment

9 CHAIRMAN ERHARD:

10 The meeting is adjourned.

11 ***

12 [There being no further business, the State Board of
13 Dentistry Meeting adjourned at 2:02 p.m.]

14 ***

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CERTIFICATE

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



Evan Bingaman,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF DENTISTRY
REFERENCE INDEX

November 15, 2019

| | TIME | AGENDA |
|----|-------|--|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | 10:00 | Official Call to Order |
| 9 | | |
| 10 | 10:01 | Introduction of Board and Audience |
| 11 | | |
| 12 | 10:05 | Appointment - BFO Budget Review |
| 13 | | |
| 14 | 10:50 | Approval of Minutes |
| 15 | | |
| 16 | 10:51 | Report of Prosecutorial Division |
| 17 | | |
| 18 | 11:18 | Report of Board Counsel |
| 19 | | |
| 20 | 11:19 | Report of Board Chairman |
| 21 | | |
| 22 | 11:47 | Report of Committees |
| 23 | | |
| 24 | 12:00 | Correspondence |
| 25 | | |
| 26 | 12:05 | For the Board's Information/Discussion |
| 27 | | |
| 28 | 12:07 | Executive Session |
| 29 | 1:51 | Return to Open Session |
| 30 | | |
| 31 | 1:51 | Motions |
| 32 | | |
| 33 | 2:02 | Adjournment |
| 34 | | |
| 35 | | |
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