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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: 9:00 A.M.

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

November 17, 2017

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ALSO PRESENT:

- Dorothy O'Keefe, President, PA Dental Assistants Association
- Andrew Harvan, PAMED
- Mary Lou Taylor, PA Association of Nurse Anesthetists
- John Bayless, Dentist, Department of Corrections
- Marisa Swarney, PA Dental Association
- Steve Neidlinger, PA Academy of General Dentistry
- Michael Kaner, PA Academy of General Dentistry
- Donna Schoenecker, Public Health Dental Hygienists
- Bruce Deering, PA Dental Association
- Bernie Dishler, D.D.S., Pennsylvania Dental Association
- Carolyn Wahl, Government Relations Chair, Pennsylvania Dental Hygienists Association
- Megan Brightbill, Dental Hygiene Program Director, Harrisburg Area Community College.

1 ***

2 State Board of Dentistry

3 November 17, 2017

4 ***

5 The regularly scheduled meeting of the State
6 Board of Dentistry was held on Friday, November 17,
7 2017. John F. Erhard III, D.D.S., Chairperson, called
8 the meeting to order at 9:00 a.m.

9 ***

10 Introduction of Board and Audience Members

11 [Chairperson Erhard requested the introduction of
12 Board and audience members.]

13 ***

14 Approval of Minutes of the September 15, 2017 meeting

15 CHAIRPERSON ERHARD:

16 Are there any comments?

17 [The Board discussed corrections to the Minutes.]

18 CHAIRPERSON ERHARD:

19 Can we have a motion to approve the
20 Draft of the Minutes as amended?

21 MS. HUGHES:

22 So moved.

23 MS. FOWLER:

24 Second.

25 CHAIRPERSON ERHARD:

1 All in favor? Opposed the same sign?
2 [The motion carried. Dr. Lugo, Dr. Matta and Dr.
3 Dattilo abstained from voting on the motion.]

4 ***

5 Commissioner's Report

6 [Ian Harlow, Commissioner of Professional and
7 Occupational Affairs, reported that the PALS project
8 was on time, on budget, and scheduled to be completed
9 during the first quarter of 2018. He updated members
10 with regard to the previously approved regulatory
11 packages which combined three into one, including
12 general revisions, revised fees and volunteer
13 licensure. Commissioner Harlow reported the child
14 abuse CE package will go to IRRC at its December 2017
15 or January 2018 meeting at the latest.]

16 Commissioner Harlow reported on the Governor's
17 Executive Order directing a comprehensive analysis
18 regarding licensing requirements be completed for
19 comparison to the other 49 states plus the District of
20 Columbia. The process will soon be underway with the
21 appointment of an advisory committee to provide a
22 factual report for all boards to consider.]

23 ***

24 [Ian J. Harlow, Commissioner of Professional and
25 Occupational Affairs, exited the meeting at 9:20 a.m.]

1 ***
2 Report of Prosecutorial Division
3 [Paul J. Jarabeck, Esquire, Board Prosecutor,
4 presented the Consent Agreements for File No. 12-46-
5 07736, File No. 12-46-07737, File No. 15-46-01631,
6 File No. 15-64-06334, File No. 15-46-07807; and File
7 No. 16-46-06736.]

8 ***
9 [John D. Kelly, Esquire, Board Prosecutor, presented
10 the Consent Agreements for File No. 16-46-05608, File
11 No. 16-46-10911, and File No. 16-46-11155.]

12 ***
13 [Ms. Zehring, Ms. Hughes and Dr. Matta exited the
14 meeting at 9:48 for recusal purposes.]

15 ***
16 [John D. Kelly, Esquire, Board Prosecutor, presented a
17 Consent Agreement for File No. 17-46-06635.]

18 ***
19 [Ms. Zehring, Dr. Datillo, Ms. Hughes and Dr. Matta
20 re-entered the meeting at 9:50 a.m. following the
21 discussion of the recusal matter.]

22 ***
23 [Julia Feld-Caralle, Esquire, was introduced as the
24 Board's new prosecuting attorney.]

25 ***

1 Report of Board Counsel

2 Status of Regulations

3 [Kerry E. Maloney, Esquire, Board Counsel, discussed
4 the Status of Regulations. He noted approximately 130
5 regulation packages at various stages. Mr. Maloney
6 stated the Board's three regulation packages were
7 combined and moving forward.

8 Mr. Maloney noted Motions to Enter Default and
9 Final Adjudications and Orders for discussion during
10 Executive Session.]

11 ***

12 Report of Board Chairperson

13 [John F. Erhard, III, D.D.S., Chairperson, reported on
14 participating in October in a Commission on Dental
15 Competency Assessment (CDCA) licensure exam. He
16 encouraged Board members to get involved as well in
17 the licensure process.

18 Dr. Erhard participated in the Governor's
19 Executive Order conference call with all state board
20 chairs. Dr. DeFinnis attended the recent American
21 Association of Dental Boards (AADB) meeting in Atlanta
22 and will provide a report at the January 2018 meeting.

23 Dr. Erhard reported on discussion at the AADB
24 meeting regarding licensed individuals advertising
25 themselves as specialists and the response from

1 boards.

2 Dr. Erhard stated the ADA has formed a committee
3 to review the exact number of dental specialties and
4 the accreditation of the training programs.

5 Chairperson Erhard will be attending the CDCA
6 Annual Meeting in January of 2018 where roundtable
7 discussions will be held. He will provide a report at
8 a future meeting.]

9 ***

10 Report of Board Administrator - No Report.

11 ***

12 Report of Committees

13 Licensure Committee

14 [Mariellen Brickley-Raab, R.D.H., Secretary, stated
15 the Licensure Committee on behalf of the Board decided
16 to accept all examinations. She noted changes the
17 WREB exam. Due to those changes in the exam, students
18 desiring to back out of the WREB exam and take the
19 ADEX exam, the CDCA would pay that portion of the exam
20 for the student.

21 Ms. Raab suggested inviting CDCA to a Board
22 meeting to discuss the changes in the exams as well as
23 the different exams that are available.

24 Dr. Deem suggested that WREB be invited to a
25 meeting to explain the exam changes rather than CDCA.

1 There was further discussion regarding the matter as
2 well as the buffalo model exam and traditional CIF
3 exam.]

4

5 Newsletter

6 [Barbara (Bonnie) L. Fowler, Public Member, reported
7 the December newsletter will include a bio of Dr.
8 Matta and an article by Dr. Erhard on issues regarding
9 liability. She noted the newsletter will now be
10 published twice a year with the next edition due out
11 in June of 2018. Submissions for the newsletter are
12 due by May 2018. Suggestions for the newsletter from
13 Board members would be appreciated.]

14

15 Practice Ownership - No Report.

16

17 Probable Cause Screening Committee

18 [Alice Hart Hughes, Esquire, Public Member, reported
19 the committee had met twice to review two matters,
20 including a telephone conference with the prosecutors
21 and a meeting prior to this meeting.]

22

23 Regulations and Legislative Review Committee - No
24 Report.

25

1 Scope of Practice - No Report.

2 ***

3 For the Board's Information/Discussion

4 [It was noted that Election of Officers would be held
5 after Executive Session.]

6 ***

7 CODA Accreditation Site Visits - Board Member
8 Participation.

9 [Lisa Burns, Board Administrator, referred to the
10 agenda for discussion on the attendance at the site
11 visits, including the Dental School Accreditation site
12 visit at Temple on April 3 through April 5, 2015, and
13 the Advanced Education for Maxillofacial Surgery site
14 visit at Allegheny General Hospital on October 31,
15 2018.

16 Ms. Burns noted the Dental Hygienist Education
17 Accreditation site visit will be at Lancaster County
18 Career and Technical Center in Philadelphia on
19 February 21 and February 22 of 2018. Clarification of
20 the site visit was requested.]

21 ***

22 Recusal Guidelines

23 [Chairperson Erhard referred Board members to the
24 recusal guidelines for review.]

25 ***

1 [Chairperson Erhard noted the next Board of Dentistry
2 Meeting as scheduled for January 19, 2018. Board
3 members were referred to the 2018 Board Meeting dates
4 as previously approved by the Board.]

5 ***

6 [The Board recessed from 10:30 a.m. to 10:50 a.m.]

7 ***

8 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
9 10:50 a.m. the Board entered into Executive Session
10 with Kerry E. Maloney, Esquire, Board Counsel, for the
11 purpose of conducting quasi-judicial deliberations.
12 The Board returned to open session at 12:06 p.m.]

13 ***

14 [Kathryn Waters, Deputy Commissioner, Bureau of
15 Professional and Occupational Affairs, entered the
16 meeting during Executive Session.]

17 ***

18 MOTIONS

19 DR. DATILLO:

20 I move to accept the Consent Agreement
21 for File No. 17-46-06635.

22 DR. DEEM:

23 Deem second.

24 CHAIRPERSON ERHARD:

25 On the question?

1

2

Hughes, recused; Lugo, aye; Casey, aye;

3

Matta, abstain; Deem, aye; Brickley-

4

Raab, aye; Zehring, recused; Fowler,

5

aye; Datillo, aye; Waters, aye; and

6

Erhard, aye.

7

[The motion carried. Ms. Hughes and Ms. Zehring

8

recused from deliberations and voting on the motion.

9

Dr. Matta abstained from voting on the motion. The

10

Respondent's name is Andrea M. Trump.

11

12

MS. BRICKLEY-RAAB:

13

Brickley-Raab moves that the Board

14

adopted the Adjudication and Order as

15

presented by Board Counsel in the case of

16

Susan A. Fox, D.M.D., File No. 15-46-

17

06423.

18

DR. DATTILO:

19

Datillo, second.

20

CHAIRPERSON ERHARD:

21

On the question?

22

23

Hughes, recused; Lugo, aye; Casey, aye;

24

Matta, aye; Deem, aye; Brickley-Raab,

25

aye; Zehring, recused; Fowler, aye;

1 Hughes, aye; Casey, aye; Matta, aye;
2 Deem, aye; Brickley-Raab, aye; Zehring,
3 aye; Fowler, aye; Datillo, abstain; and
4 Erhard, aye.

5 [The motion carried. Dr. Datillo abstained from
6 voting on the motion. The Respondent's name is
7 Michael Joseph Dugan, D.M.D.]

8 ***

9 MS. FOWLER:

10 Fowler moves to accept the Consent
11 Agreement for File No. 12-46-07737.

12 DR. DEEM:

13 Second.

14 CHAIRPERSON ERHARD:

15 On the question?

16

17 Hughes, aye; Casey, aye; Matta, aye;
18 Deem, aye; Brickley-Raab, aye; Zehring,
19 aye; Fowler, aye; Datillo, abstain; and
20 Erhard, aye.

21 [The motion carried. Dr. Datillo abstained from
22 voting on the motion. The Respondent's name is
23 Patrick Edward Sweeney, D.M.D.]

24 ***

25 MS. ZEHRING:

1 Matta second.

2 CHAIRPERSON ERHARD:

3 On the question?

4

5 Hughes, aye; Casey, aye; Matta, aye;
6 Deem, aye; Brickley-Raab, aye; Zehring,
7 aye; Fowler, aye; Datillo, aye; and
8 Erhard, aye.

9 [The motion carried unanimously.]

10 ***

11 DR. CASEY:

12 I move to accept the Consent Agreement
13 for File No. 16-46-05608.

14 DR. DEEM:

15 Deem second.

16 CHAIRPERSON ERHARD:

17 On the question?

18

19 Hughes, aye; Casey, aye; Matta, aye;
20 Deem, aye; Brickley-Raab, aye; Zehring,
21 aye; Fowler, aye; Datillo, aye; and
22 Erhard, aye.

23 [The motion carried unanimously. The Respondent's
24 name is Robert Scott Van Ess, D.M.D.]

25 ***

1 MS. HUGHES:

2 Hughes moves to accept the Consent
3 Agreement for File No. 16-46-10911.

4 MS. BRICKLEY-RAAB:

5 Brickley-Raab second.

6 CHAIRPERSON ERHARD:

7 On the question?

8

9 Hughes, aye; Casey, aye; Matta, aye;
10 Deem, aye; Brickley-Raab, aye; Zehring,
11 aye; Fowler, aye; Datillo, aye; and
12 Erhard, aye.

13 [The motion carried unanimously. The Respondent's
14 name is Timothy Dae Lee, D.D.S.]

15 ***

16 DR. MATTA:

17 Matta moves to reject the Consent
18 Agreement for File No. 16-46-11155 as too
19 lenient.

20 MS. BRICKLEY-RAAB:

21 Brickley-Raab second.

22 CHAIRPERSON ERHARD:

23 On the question?

24

25 Hughes, aye; Casey, aye; Matta, aye;

1 in Executive Session on File No. 15-46-
2 05337, Carolyn C. Alderfer, R.D.H.

3 MS. HUGHES:

4 Hughes second.

5 CHAIRPERSON ERHARD:

6 On the question?

7

8 Hughes, aye; Casey, aye; Matta, aye;
9 Deem, aye; Brickley-Raab, aye; Zehring,
10 aye; Fowler, aye; Datillo, aye; and
11 Erhard, aye.

12 [The motion carried unanimously.]

13 ***

14 MS. ZEHRING:

15 Zehring moves in the case of File No. 15-
16 46-13918, George Sartwell Gould, that the
17 Board grant the Motion to Enter Default
18 and Deem Facts Admitted, that the Board
19 Counsel be directed to prepare an
20 Adjudication and Order in accordance with
21 our discussion in Executive Session.

22 MS. HUGHES:

23 Hughes second.

24 CHAIRPERSON ERHARD:

25 On the question?

1

2

Hughes, aye; Casey, aye; Matta, aye;

3

Deem, aye; Brickley-Raab, aye; Zehring,

4

aye; Fowler, aye; Datillo, aye; and

5

Erhard, aye.

6

[The motion carried unanimously.]

7

8

MS. BRICKLEY-RAAB:

9

Brickley-Raab moves that the Board

10

dismiss File No. 15-46-13927, and that

11

the Board Counsel be directed to prepare

12

an Adjudication and Order in accordance

13

with our discussion in Executive Session.

14

MS. HUGHES:

15

Hughes second.

16

CHAIRPERSON ERHARD:

17

On the question?

18

19

Hughes, aye; Casey, aye; Matta, aye;

20

Deem, aye; Brickley-Raab, aye; Zehring,

21

aye; Fowler, aye; Datillo, aye; and

22

Erhard, aye.

23

[The motion carried unanimously.]

24

25

MS. HUGHES:

1 Hughes moves that the Board adopt the
2 Adjudication and Order as presented by
3 Board Counsel in the case of Jeffrey
4 James Becker, D.D.S., File No. 15-46-
5 04922, and direct Board Counsel to
6 prepare the Board's final Order.

7 MS. BRICKLEY-RAAB:

8 Brickley-Raab second.

9 CHAIRPERSON ERHARD:

10 On the question?

11

12 Hughes, aye; Casey, aye; Matta, aye;
13 Deem, aye; Brickley-Raab, aye; Zehring,
14 aye; Fowler, aye; Datillo, aye; and
15 Erhard, aye.

16 [The motion carried unanimously.]

17

18 DR. DEEM:

19 Deem moves to approve the Final
20 Adjudication and Order for Boris
21 Karlusic, EFDA, File No. 15-46-13917.

22 BRICKLEY-RAAB:

23 Brickley-Raab second.

24 CHAIRPERSON ERHARD:

25 On the question?

1

2

Hughes, aye; Casey, aye; Matta, aye;

3

Deem, aye; Brickley-Raab, aye; Zehring,

4

aye; Fowler, aye; Datillo, aye; and

5

Erhard, aye.

6

[The motion carried unanimously.]

7

8

DR. MATTA:

9

Matta moves that the Board accept the

10

Adjudication and Order as presented by

11

Board Counsel in the case of Mukuka

12

Kapiliskisha, D.D.S., File No. 16-46-

13

02163.

14

MS. HUGHES:

15

Hughes second.

16

CHAIRPERSON ERHARD:

17

On the question?

18

19

Hughes, aye; Casey, aye; Matta, aye;

20

Deem, aye; Brickley-Raab, aye; Zehring,

21

aye; Fowler, aye; Datillo, aye; and

22

Erhard, aye.

23

[The motion carried unanimously.]

24

25

DR. CASEY:

1 Casey makes a motion to accept the
2 Application of Jessica L. Hunsicker,
3 EFDA, to sit for her exam.

4 MS. BRICKLEY-RAAB:

5 Brickley-Raab second.

6 CHAIRPERSON ERHARD:

7 On the question?

8

9 Hughes, aye; Casey, aye; Matta, aye;
10 Deem, aye; Brickley-Raab, aye; Zehring,
11 aye; Fowler, aye; Datillo, aye; and
12 Erhard, aye.

13 [The motion carried unanimously.]

14

15 DR. CASEY:

16 Casey likes to make a motion to require
17 applicants for licensure to pass all
18 components of the exam that are accepted
19 for licensure in the Commonwealth of
20 Pennsylvania.

21 DR. MATTA:

22 Matta second.

23 CHAIRPERSON ERHARD:

24 On the question?

25

1 Hughes, aye; Casey, aye; Matta, aye;
2 Deem, aye; Brickley-Raab, aye; Zehring,
3 aye; Fowler, aye; Datillo, aye; and
4 Erhard, aye.

5 [The motion carried unanimously.]

6 ***

7 For the Board's Information/Discussion (Continued)

8 Election of Officers

9 Nominations for Board Chair

10 MS. BRICKLEY-RAAB:

11 Brickley-Raab nominates Jack Erhard.

12 DR. CASEY:

13 I second that.

14 CHAIRPERSON ERHARD:

15 Call for the vote?

16

17 Hughes, aye; Casey, aye; Matta, aye;
18 Deem, aye; Brickley-Raab, aye; Zehring,
19 aye; Fowler, aye; Datillo, aye; and
20 Erhard, abstain.

21 [The motion carried. Dr. Erhard abstained from voting
22 on the motion.]

23 ***

24 Nominations for Secretary/Vice Chair

25 MS. HUGHES:

1 I nominate Mariellen Brickley-Raab.

2 MS. ZEHRING:

3 I second.

4 CHAIRPERSON ERHARD:

5 All in favor of Mariellen Brickley-Raab
6 to continue in the position of Vice Chair
7 of the Board say aye.

8 ALL RESPOND AYE

9 Opposed same sign?

10 [The motion carried.]

11 ***

12 [There was a discussion regarding the costs of
13 investigation. A formula is used to determine the
14 costs, which were noted to be requested as much as
15 possible.]

16 ***

17 Adjournment

18 MS. HUGHES:

19 Motion to adjourn

20 DR. CASEY:

21 Second.

22 [There being no further business, the State Board of
23 Dentistry meeting adjourned at 1:10 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.



Seth Baier,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF DENTISTRY
REFERENCE INDEX
September 15, 2017

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7	9:00	Official Call to Order
8		
9	9:01	Introduction of Board and Audience
10		
11	9:04	Approval of Minutes
12		
13	9:10	Commissioner's Report
14		
15	9:21	Report of Prosecutorial Division
16		
17	9:51	Report of Board Counsel
18		
19	9:58	Report of Board Chairperson
20		
21	10:02	Report of Committees
22		
23	10:25	For the Board's Information/Discussion
24		
25	10:30	Recess
26	10:50	Return to Open Session
27		
28	10:50	Executive Session
29	12:06	Return to Open Session
30		
31	12:06	Motions
32		
33	12:09	Executive Session
34	12:54	Return to Open Session
35		
36	12:54	Motions (Continued)
37		
38	1:05	For the Board's Information/Discussion (Continued)
39		
40		
41	1:10	Adjournment
42		
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