

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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: 11:02 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

November 17, 2023

State Board of Dentistry
November 17, 2023

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Shawn M. Casey, D.M.D., Chairman
Jennifer Unis Sullivan, D.M.D., J.D., Vice
Chairperson
Theresa A. Groody, DHSc, EFDA, CDA, Secretary -
Absent
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.
Donna L. Murray, RDH, PHDHP, MSDH
Brian Wyant, Public Health Program Director,
Department of Health designee - Absent
Molly Pohlhaus, Deputy Attorney General, Office of
Attorney General

BUREAU PERSONNEL:

Shana M. Walter, Esquire, Acting Senior Board Counsel
Ronald K. Rouse, Esquire, Board Counsel
Jacqueline A. Wolfgang, Esquire, Regulatory Board
Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
and Board Prosecution Liaison
Jason T. Anderson, Esquire, Board Prosecutor
Timothy J. Henderson, Esquire, Board Prosecutor
Sarah Buhite, Board Prosecutor
Denice Szekely, Esquire, Board Prosecutor
Christina Townley, Board Administrator
Andrew LaFratte, MPA, Deputy Policy Director,
Department of State
Michael McDonald, Policy Director, Department of
State

ALSO PRESENT:

Elizabeth Burdett, MPA, Legislative Analyst, Cozen
O'Connor Public Strategies

State Board of Dentistry
November 17, 2023

ALSO PRESENT: (cont.)

Peter Callahan, Esquire, Burns White, Attorneys at
Law

Rebecca Small, RDH, EFDA, BS, Program Director,
Expanded Functions Dental Assisting Harrisburg Area
Community College

Teri Bass, Diversion Investigator, Drug Enforcement
Administration

Wesley J. Rish, Esquire, Rish Law Office, LLC
Elizabeth

John

Jeffrey Bates, Esquire, Marshall Dennehey

Michael Kaner, DMD

Joan Burke, CDA, EFDA, President-elect, Pennsylvania
Dental Assistants Association

Steve Neidlinger, CAE, Executive Director,
Pennsylvania Academy of General Dentistry

Caleb Sisak, Government Relations Specialist, Bravo
Group

Darlene Oleski, DMD, The Wright Center for Graduate
Medical Education

James Doherty Jr., Esquire, Scanlon, Howley
& Doherty, P.C.

Rachel Wilbur

1 State Board of Dentistry

2 November 17, 2023

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 livestream teleconference pursuant to
15 Act 100 of 2021, which requires boards to use a
16 virtual platform to conduct business when a public
17 meeting is held.

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

22 ***

23 The regularly scheduled meeting of the State
24 Board of Dentistry was held on Friday, November 17,
25 2023. Shawn M. Casey, D.M.D., Chairman, called the

1 meeting to order at 11:02 a.m.

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

5 ***

6 Roll Call of Board Members

7 [Chairman Casey requested a roll call of Board
8 members. There was a quorum.]

9 ***

10 Introduction of Attendees

11 [Chairman Casey requested an introduction of
12 attendees.]

13 ***

14 Approval of minutes of the September 8, 2023 meeting

15 CHAIRMAN CASEY:

16 Has everyone had a chance and
17 opportunity to review the minutes of
18 the last meeting? Any corrections or
19 any concerns or issues?

20 Motion to approve the minutes of
21 the last meeting?

22 DR. FUNARI:

23 I'll make that motion.

24 DR. SULLIVAN:

25 Second.

1 CHAIRMAN CASEY:

2 Roll call, Christina.

3

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

9 [The motion carried. Barbara Fowler, Andrew Matta,
10 and Molly Pohlhaus abstained from voting on the
11 motion.]

12

13 [R. Ivan Lugo, D.M.D., M.B.A., experienced technical
14 difficulty and abstained from voting on all motions.]

15

16 Report of Prosecutorial Division

17 [Timothy J. Henderson, Esquire, Board Prosecution
18 Liaison, presented the Consent Agreements for Case
19 No. 20-46-001111 and Case No. 20-46-001114.]

20 MR. ROUSE:

21 Regarding the Consent Agreement at item
22 2, Case No. 20-46-001111, after
23 discussion in Executive Session, I
24 believe the Chair would entertain a
25 motion to adopt the Consent Agreement.

1 CHAIRMAN CASEY:

2 Yes, we would.

3 DR. FUNARI:

4 I'll make that motion.

5 CHAIRMAN CASEY:

6 Second?

7 DR. SULLIVAN:

8 Second.

9 CHAIRMAN CASEY:

10 Christina, roll call, please.

11

12 Claggett, aye; Casey, aye; Sullivan,
13 aye; Arndt, aye; Fowler, aye; Funari,
14 aye; Jaspan, aye; Lugo, abstain; Matta,
15 aye; Mountain, aye; Murray, aye;
16 Pohlhaus, aye.

17 [The motion carried. R. Ivan Lugo abstained from
18 voting on the motion. That is the Matter of BPOA v.
19 Everest Lam, D.M.D., Case No. 20-46-001111.]

20

21 MR. ROUSE:

22 Item 3 on the agenda. Regarding the
23 Consent Agreement at Case No. 20-46-
24 001114, I believe the Chair would
25 entertain a motion to adopt the Consent

1 Agreement.

2 CHAIRMAN CASEY:

3 Yes, I would.

4 DR. FUNARI:

5 I'll make a motion.

6 CHAIRMAN CASEY:

7 Second?

8 DR. SULLIVAN:

9 Second.

10 CHAIRMAN CASEY:

11 Roll call, Christina.

12

13 Claggett, aye; Casey, aye; Sullivan,
14 aye; Arndt, aye; Fowler, aye; Funari,
15 aye; Jaspan, aye; Lugo, abstain; Matta,
16 aye; Mountain, aye; Murray, aye;
17 Pohlhaus, aye.

18 [The motion carried. R. Ivan Lugo abstained from
19 voting on the motion. That is the Matter of BPOA v.
20 Amen Dhyllon, D.D.S., Case No. 20-46-001114.]

21

22 [Timothy J. Henderson, Esquire, Board Prosecution
23 Liaison, presented the Consent Agreement for Case No.
24 20-46-012438.]

25 MR. ROUSE:

1 Regarding the Consent Agreement at item
2 4 on the agenda at Case No. 20-46-
3 0012438, I believe the Chair would
4 entertain a motion to adopt the Consent
5 Agreement.

6 CHAIRMAN CASEY:

7 Yes.

8 DR. FUNARI:

9 So moved.

10 CHAIRMAN CASEY:

11 Second?

12 DR. SULLIVAN:

13 Second.

14 CHAIRMAN CASEY:

15 Christina, roll call, please.

16

17 Claggett, aye; Casey, aye; Sullivan,
18 aye; Arndt, aye; Fowler, aye; Funari,
19 aye; Jaspan, aye; Lugo, abstain; Matta,
20 aye; Mountain, aye; Murray, aye;
21 Pohlhaus, aye.

22 [The motion carried. R. Ivan Lugo abstained from
23 voting on the motion. That is the Matter of BPOA v.
24 Carlos Mirabal, D.M.D., Case No. 20-46-012438.]

25

1 [Andrew S. Matta, D.M.D., and LaJuan M. Mountain,
2 D.M.D., exited the meeting at 11:20 a.m. for recusal
3 purposes.]

4 ***

5 [Timothy J. Henderson, Esquire, Board Prosecution
6 Liaison, presented the Consent Agreement for Case No.
7 22-46-001508.]

8 MR. ROUSE:

9 Regarding the Consent Agreement at item
10 5 on the agenda at Case No. 22-46-
11 001508, I believe the Chair would
12 entertain a motion to adopt the Consent
13 Agreement.

14 CHAIRMAN CASEY:

15 Yes. Do I have a motion, please?

16 DR. FUNARI:

17 So moved.

18 CHAIRMAN CASEY:

19 Second?

20 DR. SULLIVAN:

21 Second.

22 CHAIRMAN CASEY:

23 Roll call, Christina, please.

24

25 Claggett, aye; Casey, aye; Sullivan,

1 aye; Arndt, aye; Fowler, aye; Funari,
 2 aye; Jaspan, aye; Lugo, abstain;
 3 Murray, aye; Pohlhaus, aye.

4 [The motion carried. R. Ivan Lugo abstained from
 5 voting on the motion. Andrew Matta and LaJuan
 6 Mountain recused themselves from deliberations and
 7 voting on the motion. That is the Matter of BPOA v.
 8 Terri L. Malec, RDH, Case No. 22-46-001508.]

9 ***

10 [Andrew S. Matta, D.M.D., and LaJuan M. Mountain,
 11 D.M.D., reentered the meeting at 11:24 a.m.]

12 ***

13 Report of Prosecutorial Division

14 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor
 15 and Prosecution Liaison, had nothing else to report
 16 but offered to help with any other matters.]

17 ***

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

20 MR. ROUSE:

21 Regarding the Matter of Lori A.
 22 Milliron, Case No. 22-46-011881, item 9
 23 on the agenda, I believe the Chair
 24 would entertain a motion to grant the
 25 Motion to Deem Facts Admitted and to

1 direct Board Counsel to prepare the
2 Adjudication and Order in accordance
3 with discussion in Executive Session.

4 CHAIRMAN CASEY:

5 Yes. Do I have a motion, please?

6 DR. FUNARI:

7 So moved.

8 CHAIRMAN CASEY:

9 Second?

10 DR. SULLIVAN:

11 Second.

12 CHAIRMAN CASEY:

13 Roll call, Christina, please.

14

15 Claggett, aye; Casey, aye; Sullivan,
16 aye; Arndt, aye; Fowler, aye; Funari,
17 aye; Jaspán, aye; Lugo, abstain; Matta,
18 aye; Mountain, aye; Murray, aye;
19 Pohlhaus, aye.

20 [The motion carried. R. Ivan Lugo abstained from
21 voting on the motion.]

22

23 [LaJuan M. Mountain, D.M.D., exited the meeting at
24 11:26 a.m. for recusal purposes.]

25

1 Report of Board Counsel - Proposed Adjudications and
2 Orders

3 MR. ROUSE:

4 Item 10, in the Matter of the
5 Application for Reactivation of the
6 License to Practice Dentistry of Daniel
7 W. Fink, D.D.S., Case No. 23-46-001279,
8 I believe we have one recusal, and that
9 is Dr. Mountain in this matter.

10 Regarding the Proposed Adjudication
11 and Order in the Matter of the
12 Application for Reactivation of the
13 License to Practice Dentistry of Daniel
14 W. Fink, D.D.S., at item 10 on the
15 agenda, Case No. 23-46-001279, I
16 believe the Chair would entertain a
17 motion to adopt the hearing examiner's
18 Adjudication and direct Board Counsel
19 to prepare the Board's Final Order.

20 CHAIRMAN CASEY:

21 Yes. Do I have a motion, please?

22 DR. FUNARI:

23 So moved.

24 CHAIRMAN CASEY:

25 Second?

1 DR. SULLIVAN:

2 Second.

3 CHAIRMAN CASEY:

4 Roll call, Christina, please.

5

6 Claggett, aye; Casey, aye; Sullivan,
7 aye; Arndt, aye; Fowler, aye; Funari,
8 aye; Jaspan, aye; Lugo, abstain; Matta,
9 aye; Murray, aye; Pohlhaus, aye.

10 [The motion carried. R. Ivan Lugo abstained from
11 voting on the motion. LaJuan Mountain recused
12 herself from deliberations and voting on the motion.]

13

14 [LaJuan M. Mountain, D.M.D., reentered the meeting at
15 11:27 a.m.]

16

17 [Shawn M. Casey, D.M.D., Chairman, and Jennifer Unis
18 Sullivan, D.M.D., J.D., Vice Chairperson, exited the
19 meeting at 11:27 a.m. for recusal purposes.]

20

21 DR. ARNDT ASSUMED THE CHAIR

22

23 MR. ROUSE:

24 Item 11 on the agenda. Regarding the
25 Proposed Adjudication and Order in the

1 Matter of the Application for
2 Reactivation of the License to Practice
3 Dentistry of Albert A. Hazzouri Jr.,
4 D.D.S., Case No. 23-46-010080, at item
5 11 on the agenda.

6 I believe the Chair would entertain
7 a motion to adopt the hearing
8 examiner's Adjudication and to direct
9 Board Counsel to prepare the Board's
10 Final Order.

11 DR. ARNDT:

12 That is correct. Could I have a
13 motion, please?

14 DR. FUNARI:

15 So moved.

16 MS. MURRAY:

17 Second.

18 MS. TOWNLEY:

19 Claggett, aye; Arndt, aye; Fowler, aye;
20 Funari, aye; Jaspan, aye; Lugo,
21 abstain; Matta, aye; Mountain, aye;
22 Murray, aye; Pohlhaus, aye.

23 [The motion carried. R. Ivan Lugo abstained from
24 voting on the motion. Shawn Casey and Jennifer
25 Sullivan recused themselves from deliberations and

1 voting on the motion.]

2 ***

3 [Shawn M. Casey, D.M.D., Chairman, and Jennifer Unis
4 Sullivan, D.M.D., J.D., Vice Chairperson, reentered
5 the meeting at 11:29 a.m.]

6 ***

7 CHAIRMAN CASEY RESUMED THE CHAIR

8 ***

9 Report of Board Counsel - Proposed Memorandum and
10 Order

11 MR. ROUSE:

12 Item 12 on the agenda is a Proposed
13 Memorandum and Order in the Matter of
14 the Petition for Reinstatement of the
15 Expanded Function Dental Assistant
16 Certificate of Kaitlin A. Conahan, Case
17 No. 22-46-014454.

18 Regarding item 12 on the agenda, I
19 believe the Chair would entertain a
20 motion to adopt the hearing examiner's
21 Memorandum and to direct Board Counsel
22 to prepare the Board's Final Order.

23 CHAIRMAN CASEY:

24 Yes. Do I have a motion, please?

25 DR. FUNARI:

1 So moved.

2 CHAIRMAN CASEY:

3 Second?

4 DR. SULLIVAN:

5 Second.

6 CHAIRMAN CASEY:

7 Christina, roll call.

8

9 Claggett, aye; Casey, aye; Sullivan,
10 aye; Arndt, aye; Fowler, aye; Funari,
11 aye; Jaspan, aye; Lugo, abstain; Matta,
12 aye; Mountain, aye; Murray, aye;
13 Pohlhaus, aye.

14 [The motion carried. R. Ivan Lugo abstained from
15 voting on the motion.]

16 ***

17 Review of Applications

18 MR. ROUSE:

19 Item 15 on the agenda, Kushaldeep Fnu.
20 This was an Application for a
21 Restricted Faculty License at item 15
22 on the agenda.

23 Regarding that Application, I
24 believe the Chair would entertain a
25 motion to grant the Application for a

1 Restricted Faculty License.

2 CHAIRMAN CASEY:

3 Yes. Do I have a motion, please?

4 DR. FUNARI:

5 So moved.

6 CHAIRMAN CASEY:

7 Second?

8 DR. SULLIVAN:

9 Second.

10 CHAIRMAN CASEY:

11 Christina, roll call.

12

13 Claggett, aye; Casey, aye; Sullivan,
14 aye; Arndt, aye; Fowler, aye; Funari,
15 aye; Jaspan, aye; Lugo, abstain; Matta,
16 aye; Mountain, aye; Murray, aye;
17 Pohlhaus, aye.

18 [The motion carried. R. Ivan Lugo abstained from
19 voting on the motion.]

20

21 MR. ROUSE:

22 Item 16 on the agenda, Miguel Guerrero.
23 This is an Application to practice
24 Dentistry reviewed under Act 41
25 Licensure by Endorsement.

1 Regarding the Application of Miguel
2 Guerrero, item 16 on the agenda, I
3 believe the Chair would entertain a
4 motion to provisionally deny the
5 Application for Licensure by
6 Endorsement as a Dentist.

7 CHAIRMAN CASEY:

8 Yes. Do I have a motion, please?

9 DR. FUNARI:

10 So moved.

11 CHAIRMAN CASEY:

12 Second?

13 DR. SULLIVAN:

14 Second.

15 CHAIRMAN CASEY:

16 Christina, roll call.

17

18 Claggett, aye; Casey, aye; Sullivan,
19 aye; Arndt, aye; Fowler, aye; Funari,
20 aye; Jaspan, aye; Lugo, abstain; Matta,
21 aye; Mountain, aye; Murray, aye;
22 Pohlhaus, aye.

23 [The motion carried. R. Ivan Lugo abstained from
24 voting on the motion.]

25

1 MR. ROUSE:

2 Item 17 on the agenda, Mahta
3 Hosseinkhani Hazaveh.

4 Regarding the Application at item
5 17 on the agenda, I believe the Chair
6 would entertain a motion to grant the
7 Application for Licensure by
8 Endorsement as a Dentist.

9 CHAIRMAN CASEY:

10 Yes. Do I have a motion, please?

11 DR. FUNARI:

12 So moved.

13 CHAIRMAN CASEY:

14 Second?

15 DR. SULLIVAN:

16 Second.

17 CHAIRMAN CASEY:

18 Roll call, Christina.

19

20 Claggett, aye; Casey, aye; Sullivan,
21 aye; Arndt, aye; Fowler, aye; Funari,
22 aye; Jaspan, aye; Lugo, abstain; Matta,
23 aye; Mountain, aye; Murray, aye;
24 Pohlhaus, aye.

25 [The motion carried. R. Ivan Lugo abstained from

1 voting on the motion.]

2

3 MR. ROUSE:

4 Item 18 on the agenda, Rania Younis,
5 Application reviewed under Act 41
6 Licensure by Endorsement as a Dentist.

7 Regarding the Application of Rania
8 Younis, I believe the Chair would
9 entertain a motion to provisionally
10 deny the Application for Licensure by
11 Endorsement as a Dentist.

12 CHAIRMAN CASEY:

13 Yes. Do I have a motion, please?

14 DR. FUNARI:

15 So moved.

16 CHAIRMAN CASEY:

17 Second?

18 DR. SULLIVAN:

19 Second.

20 CHAIRMAN CASEY:

21 Christina, roll call.

22

23 Claggett, aye; Casey, aye; Sullivan,
24 aye; Arndt, aye; Fowler, aye; Funari,
25 aye; Jaspan, aye; Lugo, abstain; Matta,

1 aye; Mountain, aye; Murray, aye;
2 Pohlhaus, aye.

3 [The motion carried. R. Ivan Lugo abstained from
4 voting on the motion.]

5 ***

6 MR. ROUSE:

7 Item 19 on the agenda, Maranda
8 Lehtinen, Application for Dental
9 Hygienist review under Act 41 Licensure
10 by Endorsement.

11 Regarding the Application at item
12 19 on the agenda, I believe the Chair
13 would entertain a motion to
14 provisionally deny the Application for
15 Licensure by Endorsement as a Dental
16 Hygienist.

17 CHAIRMAN CASEY:

18 Yes. Do I have a motion, please?

19 DR. FUNARI:

20 So moved.

21 CHAIRMAN CASEY:

22 Second?

23 DR. SULLIVAN:

24 Second.

25 CHAIRMAN CASEY:

1 Christina, roll call.

2

3 Claggett, aye; Casey, aye; Sullivan,
4 aye; Arndt, aye; Fowler, aye; Funari,
5 aye; Jaspan, aye; Lugo, abstain; Matta,
6 aye; Mountain, aye; Murray, aye;
7 Pohlhaus, aye.

8 [The motion carried. R. Ivan Lugo abstained from
9 voting on the motion.]

10 ***

11 MR. ROUSE:

12 Item 20 on the agenda, Tina Skaff,
13 Dental Hygienist Reactivation
14 Application.

15 Regarding the Application of Tina
16 Skaff at item 20 on the agenda, I
17 believe the Chair would entertain a
18 motion to provisionally deny the
19 Reactivation Application of Tina Skaff.

20 CHAIRMAN CASEY:

21 Yes. Do I have a motion, please?

22 DR. FUNARI:

23 So moved.

24 CHAIRMAN CASEY:

25 Second?

1 DR. SULLIVAN:

2 Second.

3 CHAIRMAN CASEY:

4 Christina, roll call.

5

6 Claggett, aye; Casey, aye; Sullivan,
7 aye; Arndt, aye; Fowler, aye; Funari,
8 aye; Jaspan, aye; Lugo, abstain; Matta,
9 aye; Mountain, aye; Murray, aye;
10 Pohlhaus, aye.

11 [The motion carried. R. Ivan Lugo abstained from
12 voting on the motion.]

13

14 Report of Board Counsel - Regulations - Regulatory
15 Report

16 [Ronald K. Rouse, Esquire, Board Counsel, provided a
17 Regulatory Report for the Board's review. He
18 informed Board members that the preamble had to also
19 be changed due to additions to the annex for
20 Regulation 16A-4621 regarding anesthesia.

21 Dr. Jaspan referred to page 26 and asked whether
22 patient transport equipment should be detailed or
23 whether it is a generic term that works for all
24 offices.

25 Mr. Rouse referred to § 33.340(a), duties of

1 dentists who are unrestricted permit holders.

2 Dr. Funari explained that it refers to a
3 wheelchair when a patient is transferred from the
4 operating theatre to the recovery area and to their
5 car. He noted the section was part of the old
6 instruction and was not modified.

7 Mr. Rouse informed Board members that general
8 revisions under 16A-4628 was referred back to the
9 regulatory committee for review. He noted the
10 regulatory committee had a public meeting in October,
11 and addressed, as part of the regulation, concern of
12 a pathway for people who have specialties that are
13 not acknowledged as one of the 12 specialties by the
14 American Dental Association (ADA) to also advertise
15 specialties.

16 Mr. Rouse noted language was added to general
17 revisions that was reviewed at that committee meeting
18 and brought back before the Board. He asked whether
19 the Board wished to adopt the general revisions and
20 move forward with drafting a preamble.

21 Dr. Jaspan commented that consideration could be
22 given to the provider where the provider could
23 provide X or Y services but should not be able to
24 advertise as a "specialist" or "practice limited to"
25 without having a specialty approved by the ADA. He

1 mentioned there were many specialties that do not
2 have education requirements and Board requirements.
3 He believed the public should be informed that a
4 person who advertises as a specialist truly has had
5 extra training and passed exams.

6 Dr. Funari stated that the United States
7 Government has weighed in on this and filed lawsuits
8 in several states with the contention that an
9 individual may say they are a specialist in a non-ADA
10 specialty if they meet certain requirements. He
11 noted, at the committee level, requirements are put
12 together to satisfy an overarching mandate from the
13 federal government.

14 Dr. Funari suggested asking the American Academy
15 of Implant Dentistry (AAID) why the process was never
16 undertaken with the ADA to be identified as a dental
17 specialty if this was so important that they are
18 going state by state involving the legal process.

19 Dr. Lugo noted the importance during the
20 discussion to be clear whether it is the ADA or
21 Commission on Dental Accreditation.

22 Mr. Rouse stated there are 12 specialties
23 recognized by the ADA. He explained that the Board
24 would still have that in the regulations, but there
25 would also be a pathway for those who are not in

1 specialties that are recognized by the ADA to be able
2 to advertise their specialties.

3 Mr. Rouse referred to additional language on
4 pages 39 through 40 of the annex, where a dentist who
5 does not meet the conditions of subparagraphs (i) and
6 (ii) may advertise as a specialist if they have
7 completed a postdoctoral advanced doctoral education
8 program accredited by an agency recognized by the
9 U.S. Department of Education. The dentist shall
10 maintain documentation of completion of the
11 postdoctoral education program, along with other
12 requirements as well.

13 ***

14 [The Board experienced technical difficulties at
15 11:48 a.m.]

16 ***

17 Ms. Murray thanked them for making the correction
18 on the healthcare provider for cardiopulmonary
19 resuscitation (CPR). She asked whether there was a
20 response to the Pennsylvania Coalition for Oral
21 Health's (PCOH) recommendation about the automated
22 external defibrillator (AED) for public health dental
23 hygiene practitioners (PHDHPs) working out in the
24 community. She noted there was a mention of AEDs
25 being required in offices but asked whether that

1 should also be included or clarified for PHDHPs
2 working out in the community?

3 Mr. Rouse referred to page 40 under § 33.216(a),
4 and inquired whether it was the intention of the
5 Board to only require the AED in offices and whether
6 there could be clarification of locations here.

7 Mr. Rouse referred to § 33.216(a), where it says,
8 as of the effective date of the rulemaking acceptance
9 provided in subsection (d), all dental offices shall
10 be required to have a minimum of one properly
11 functioning automated external defibrillator in the
12 dental office available for use in an emergency. He
13 offered to add the phrase "in the dental office or
14 wherever dental services are being provided for use
15 in an emergency."

16 Board members discussed the deletion of crown and
17 bridge provisional fabrication for expanded function
18 dental assistants (EFDAs).

19 Ms. Townley read a section of the minutes from
20 May, where Mr. Rouse addressed a question on page 27
21 and 29 asking why the removal of (j) to prevent EFDAs
22 from fabricating temporary crowns and bridges. Dr.
23 Groody explained at the May 2023 meeting that it is
24 not in the scope of practice as a duty of EFDAs and
25 it did seem relevant to test it. Ms. Townley read

1 further, where Dr. Arndt asked why it was not in the
2 scope of practice because it is a primary function of
3 a dental assistant and an EFDA should be able to
4 perform that function. Dr. Groody explained at the
5 May meeting that Pennsylvania does not have a scope
6 of practice for dental assistants, and it was not as
7 restoratively permanent when the definition of EFDAs
8 were formed for Pennsylvania.

9 Chairman Casey noted the Board was in agreement
10 with Dr. Groody's recommendation.]

11 MR. ROUSE:

12 Would the Chair entertain a motion to
13 adopt the amended Regulation 16A-4628
14 annex and direct Board Counsel to draft
15 a preamble?

16 CHAIRMAN CASEY:

17 Yes. Do I have a motion, please?

18 DR. FUNARI:

19 So moved.

20 CHAIRMAN CASEY:

21 Second?

22 DR. SULLIVAN:

23 Second.

24 CHAIRMAN CASEY:

25 Christina, roll call.

1

2

Claggett, aye; Casey, aye; Sullivan,

3

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

4

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

5

aye; Mountain, aye; Murray, aye;

6

Pohlhaus, aye.

7

[The motion carried. R. Ivan Lugo abstained from

8

voting on the motion.]

9

10

Report of Board Counsel - Miscellaneous - Dental and

11

Dental Hygienist Compact Discussion - HB 1586 of 2023

12

and SB 895 of 2023

13

[Ronald K. Rouse, Esquire, Board Counsel, noted prior

14

Board discussion regarding the Dentist and Dental

15

Hygienist Compact. He mentioned receiving additional

16

correspondence afterwards and provided a copy to the

17

Board.

18

Dr. Jaspan commented that The Council of State

19

Governments (CSG) has to go to the legislature and

20

requested clarification as to whether the American

21

Association of Dental Boards (AADB) does not have to

22

go to the legislature.

23

Dr. Funari explained that AADB is not changing

24

the licensing regulation but is acting as a

25

clearinghouse for each state to provide the

1 information and expedite the licensing process, where
2 they are not changing the dental regulation like CSG
3 wants to do.

4 Dr. Jaspan asked whether it would be appropriate
5 for the Board to make a recommendation for one or the
6 other or none.

7 Mr. Rouse stated the Board reviewed the
8 information and made statements at the last Board
9 meeting. He believed the Board should just leave it
10 there because anything that happens would be a
11 legislative matter, noting the Board's function is
12 adjudicatory.]

13

14 Report of Board Chair

15 [Shawn M. Casey, D.M.D., Chairman, thanked everyone
16 for attending the State Board of Dentistry Meeting.
17 He also thanked the committee members this year and
18 the cochairs for their participation and effort,
19 noting he is looking forward to 2024.

20 Chair Casey stated the Mission of Mercy, a
21 program of A Call to Care, had their event October
22 28-29 and saw over 1,500 patients in Pittsburgh. He
23 commented that dental students, community members,
24 along with the dental community did a phenomenal job.

25 Chair Casey noted there are concerns with CSG

1 Compact and reminded everyone that it is a
2 legislative issue and not a Board issue at this time.
3 He encouraged anyone with concerns to contact their
4 lawmaker in their personal capacity.

5 Chair Casey reported that Pennsylvania has Act 41
6 in place and is working well. He mentioned that both
7 a hands-on clinical exam and written exam should be
8 taken. He explained that The Dental Licensure
9 Objective Structured Clinical Examination (DLOSCE) is
10 a requirement under the compact but is a written
11 exam, noting the Dental Act in Pennsylvania requires
12 a hands-on exam.

13 Chair Casey expressed concern with the current
14 Commission on Dental Accreditation (CODA)-approved
15 standard leaving leeway for literature and law to be
16 opened or having the opportunity for new and other
17 organizations to enter into this. He stated the
18 approval by the "commission" leaves a variable of
19 unknown and uncertainty.

20 Chair Casey commented that there is a difference
21 between the word privilege versus license. He
22 believed a Pennsylvania license works fine but could
23 use improvement with expediting licenses to get the
24 workforce moving.

25 Chair Casey wished everyone a happy holiday

1 season.]

2

3 Report of Acting Commissioner

4 [Arion R. Claggett, Acting Commissioner, Bureau of
5 Professional and Occupational Affairs, informed Board
6 members that the request for proposal (RFP) for the
7 Pennsylvania Licensing System (PALS) replacement was
8 issued on September 28, 2023. He noted the
9 department is currently accepting bids till November
10 27, 2023, and he would provide an additional update
11 at the next meeting.

12 Acting Commissioner Claggett also informed Board
13 members that the next Board meeting would be held at
14 2525 North 7th Street. He stated the agenda and
15 Board website would be updated with the new
16 location.]

17

18 Report of Board Administrator - No Report

19

20 Report of Committees - Legislative and Regulatory
21 Committee

22 [Brice D. Arndt, D.D.S., Co-Chair, informed Board
23 members that the Legislative and Regulatory Committee
24 met in October and addressed implant specialization
25 and advertising. He noted other points of interest

1 were tabled at that meeting and would be addressed at
2 future meetings. He mentioned that many of those
3 points were previously discussed within the meeting.]

4 ***

5 Report of Committees - Accreditation and Licensing
6 Committee - No Report

7 ***

8 Report of Committees - Probable Cause Screening
9 Committee - No Report

10 ***

11 Report of Committees - Scope of Traditional and
12 Emerging Practice Committee - No Report

13 ***

14 For the Board's Information - Election of Officers

15 CHAIRMAN CASEY:

16 I would like to nominate Jennifer Unis
17 Sullivan as the next Chairperson of the
18 Pennsylvania State Board of Dentistry
19 for 2024.

20 MR. ROUSE:

21 Are there any other nominations for
22 Chair of the State Board of Dentistry?
23 Hearing none.

24 Is there a motion to elect Dr.
25 Sullivan as Chair of the State Board of

1 Dentistry?

2 DR. FUNARI:

3 So moved. I very proudly make that
4 motion.

5 MR. ROUSE:

6 Is there a second?

7 MS. MURRAY:

8 I will second that.

9 MR. ROUSE:

10 Any discussion? Roll call.

11

12 Claggett, aye; Casey, aye; Arndt, aye;

13 Fowler, aye; Funari, aye; Jaspan, aye;

14 Lugo, abstain; Matta, aye; Mountain,

15 aye; Murray, aye; Pohlhaus, aye.

16 [The motion carried. R. Ivan Lugo abstained from
17 voting on the motion.]

18

19 MR. ROUSE:

20 Are there any nominations for Vice
21 Chair of the State Board of Dentistry?

22 DR. SULLIVAN:

23 I nominate Dr. Casey.

24 MR. ROUSE:

25 Is there a second?

1 MS. MURRAY:

2 Second.

3 MR. ROUSE:

4 Are there any other nominations for
5 Vice Chair of the State Board of
6 Dentistry? Hearing none.

7 Is there a motion to elect Dr. Casey as
8 Vice Chair of the State Board of
9 Dentistry?

10 DR. SULLIVAN:

11 I make that motion.

12 MR. ROUSE:

13 Is there a second?

14 DR. FUNARI:

15 Second.

16 MR. ROUSE:

17 Any discussion? Roll call.

18

19 Claggett, aye; Sullivan, aye; Arndt,
20 aye; Fowler, aye; Funari, aye; Jaspan,
21 aye; Lugo, abstain; Matta, aye;
22 Mountain, aye; Murray, aye; Pohlhaus,
23 aye.

24 [The motion carried. R. Ivan Lugo abstained from
25 voting on the motion.]

1 ***

2 MR. ROUSE:

3 Is there a nomination for Secretary of
4 the State Board of Dentistry?

5 CHAIRMAN CASEY:

6 At this time, I would like to nominate
7 Theresa Groody. Unfortunately, she is
8 not here today, so I will accept the
9 nomination for Theresa to be Secretary
10 for the Dental Board for 2024.

11 MR. ROUSE:

12 Is there a second?

13 DR. MATTA:

14 Second.

15 MR. ROUSE:

16 Are there any other nominations for
17 Secretary of the State Board of
18 Dentistry? Hearing none.

19 Is there a motion to elect Theresa
20 Groody as Secretary of the State Board
21 of Dentistry?

22 DR. CASEY:

23 Yes.

24 MR. ROUSE:

25 Is there a second?

1 MS. MURRAY:

2 Second.

3 MR. ROUSE:

4 Any discussion? Roll call.

5

6 Claggett, aye; Casey, aye; Sullivan,
7 aye; Arndt, aye; Fowler, aye; Funari,
8 aye; Jaspan, aye; Lugo, abstain; Matta,
9 aye; Mountain, aye; Murray, aye;
10 Pohlhaus, aye.

11 [The motion carried. R. Ivan Lugo abstained from
12 voting on the motion.]

13

14 [Molly Pohlhaus, Deputy Attorney General, Office of
15 Attorney General, introduced herself as an attorney
16 and representative for the Health Care Section of the
17 Office of Attorney General.]

18

19 Adjournment

20 DR. FUNARI:

21 I'll make a motion to adjourn this
22 meeting.

23 DR. SULLIVAN:

24 Second.

25 CHAIRMAN CASEY:

1 Thank you very much.

2 ***

3 [There being no further business, the State Board of
4 Dentistry Meeting adjourned at 12:17 p.m.]

5 ***

6
7 CERTIFICATE

8
9 I hereby certify that the foregoing summary
10 minutes of the State Board of Dentistry meeting, was
11 reduced to writing by me or under my supervision, and
12 that the minutes accurately summarize the substance
13 of the State Board of Dentistry meeting.

14
15 
16 _____

17 Rachel Wilbur-Adams,

18 Minute Clerk

19 Sargent's Court Reporting

20 Service, Inc.

STATE BOARD OF DENTISTRY
REFERENCE INDEX

November 17, 2023

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8	9:00	Executive Session
9	11:00	Return to Open Session
10		
11	11:02	Official Call to Order
12		
13	11:02	Roll Call
14		
15	11:03	Introduction of Attendees
16		
17	11:04	Approval of Minutes
18		
19	11:05	Report of Prosecutorial Division
20		
21	11:24	Report of Board Counsel
22		
23	11:31	Review of Applications
24		
25	11:38	Report of Board Counsel (cont.)
26		
27	12:02	Report of Board Chair
28		
29	12:06	Report of Acting Commissioner
30		
31	12:07	Report of Committees
32		
33	12:08	For the Board's Information
34		
35	12:17	Adjournment
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		