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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: 09:02 A.M.

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

March 13, 2020

1 State Board of Dentistry

2 March 13, 2020

3 ***

4 The regularly scheduled meeting of the State Board
5 of Dentistry was held on Friday, March 13, 2020. John
6 F. Erhard III, D.D.S., Chairman, called the meeting to
7 order at 9:02 a.m.

8 K. Kalonji Johnson, Acting Commissioner, was not
9 present at the commencement of the meeting.

10 Chairman Erhard announced this meeting would be
11 part of a live feed to the Governor's office.

12 Chairman Erhard informed the Board the Director of
13 Legislative Affairs and some State Representatives
14 were in attendance at the Governor's office.

15 ***

16 Introduction of Board and Audience

17 [Chairman Erhard requested the introduction of the
18 Board and public members in attendance.]

19 ***

20 [Chairman Erhard noted the Covid-19 pandemic happening
21 in our country. He remembered the victims that have
22 contracted Covid-19 and its numerous consequences, as
23 well as those whose lives had been altered. He
24 encouraged everyone to act prudently and follow the
25 recommendations by the Department of Health.

1 Chairman Erhard extended a special thank you to
2 the audience and Board members for attending this
3 meeting. Chairman Erhard announced that Dr. Casey
4 requested a moment of personal preference.]

5 ***

6 [Shawn M. Casey, D.M.D., announced the loss of a
7 Dentist to the Hershey area, Rick Knowlton. He was a
8 colleague, a friend, and had been a strong advocate
9 for patient care, as well as a member of the
10 Pennsylvania Dental Association and Academy of General
11 Dentistry.]

12 ***

13 Approval of minutes of January 17, 2020 meeting

14 CHAIRMAN ERHARD:

15 First item on the agenda is the approval
16 of the January 17 meeting minutes. Are
17 there any additions or corrections?

18 MS. HUGES:

19 Yes.

20 [The Board discussed corrections to the minutes.]

21 CHAIRMAN ERHARD:

22 Do we have a motion to approve the
23 minutes as amended?

24 MR. LUGO:

25 So moved.

1 MS. SEID:

2 Second.

3 CHAIRMAN ERHARD:

4 All in favor? Opposed, same sign.

5 [The motion carried unanimously.]

6 ***

7 Report of Prosecutorial Division

8 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,
9 presented the Consent Agreement for Case No. 19-46-
10 012530.]

11 ***

12 [Peter D. Kovach, Esquire, Senior Prosecutor in
13 Charge, presented the Consent Agreement for Case No.
14 18-46-010056.]

15 ***

16 [Christopher K. McNally, Esquire, Board Prosecutor,
17 presented the Consent Agreements for Case No. 19-46-
18 010604 and Case No. 19-46-013021.]

19 ***

20 Report of Board Counsel

21 [Dana Wucinski, Esquire, on behalf of Jackie Wiest
22 Lutz, Esquire, Board Counsel, announced the Board
23 would be discussing the Consent Agreements presented
24 along with agenda items 14-20 in Executive Session.]

25 ***

1 Status of Regulations

2 [Ms. Wucinski addressed regulation number 16A-4626,
3 Child Abuse Reporting Requirements and regulation
4 number 16A-4628, General Revisions.

5 Ms. Wucinski noted General Revisions regulations
6 16A-4628 was reviewed and edited by Board Counsel, Ms.
7 Lutz, and Ms. Burns, Board Administrator. She stated,
8 if these updates were satisfactory to the Board, Ms.
9 Lutz requested a motion to release an exposure draft
10 to the annex to the interested parties and
11 stakeholders

12 Alice Hart Hughes, Esquire, Public Member,
13 Secretary, noted a reference on page 4 to PALS and
14 questioned whether this was the current acronym for
15 the system being used. Ms. Wucinski stated the system
16 was still called PALS.

17 Godfrey Joel Funari, D.M.D., Board Member
18 referenced page 20, section 33.203 in the General
19 Requirements. He questioned the listing for National
20 Certified Board for Dental Specialties. He stated
21 there had been approvals within the past year of
22 additional Dental Specialties by the ADA (American
23 Dental Association) that were not listed. Dr. Funari
24 questioned whether this was due to not having
25 certified corresponding boards. Ms. Wucinski noted

1 the brackets indicate the language would be removed.]

2 ***

3 [Andrew S. Matta, D.M.D., Board Member, exited the
4 meeting at 9:24 a.m.]

5 ***

6 CHAIRMAN ERHARD:

7 Do we need to vote on that?

8 MS. WUCINSKI:

9 This would be a vote to release an
10 exposure draft to interested parties and
11 stakeholders for comment.

12 CHAIRMAN ERHARD:

13 Can we have a motion?

14 MS. HUGHES:

15 So moved.

16 MS. GROODY:

17 Second.

18 CHAIRMAN ERHARD:

19 On the questions? Any other further
20 discussions? All in favor as the motion
21 is presented, say aye. Opposed, same
22 sign.

23 [The motion carried. Dr. Matta recused from
24 deliberations and voting of this motion.]

25 ***

1 [Ms. Wucinski presented 16A-4633, Expansion of PHDHP
2 Practice Sites. She reviewed the Board's decision at
3 its last meeting to adopt the proposed Annex
4 substituting medically deprived areas with Dental
5 Health Professionals shortage area. Ms. Wucinski
6 requested a vote on approving the final Annex as
7 amended.]

8 ***

9 [Andrew S. Matta, D.M.D., Board Member, returned to
10 the meeting at 9:26 a.m.]

11 ***

12 [Shawn M. Casey, D.M.D., Board Member, referenced the
13 shortage area data in the document. He questioned how
14 often the data would change. Ms. Wucinski stated the
15 data changed frequently; however, it did not know the
16 exact number. She indicated there was an entire
17 Department of Health dedicated to the shortage areas
18 based on current statistics. He questioned whether
19 there was a Certificate in Need. Ms. Wucinski
20 answered not in Pennsylvania. She stated Pennsylvania
21 was no longer a Certificate of Need State. Ms.
22 Wucinski discussed the requirement to redraft the
23 legislation.

24 Dr. Casey questioned the need for additional tools
25 besides this reference and the changing of the data.

1 Ms. Wucinski stated the data did not change often.
2 She announced there was an entire Department of Health
3 dedicated to these service areas based on current
4 statistics. Mr. Casey believed the data was variable
5 and questioned the availability of other tools or
6 methods.

7 Ms. Wucinski referenced the website for
8 Pennsylvania Department of Health. She referenced the
9 website where the shortage areas were visible by
10 county. Ms. Wucinski indicated the data calculated
11 was part of the Federal infrastructure. She believed
12 it would be around in the long term. Ms. Wucinski
13 requested the Board vote on approval of the Annex as
14 amended.

15 Dr. Funari announced that he had been approached
16 by a company called Virtueent. This company proposed
17 to bring a dental hygienist into a corporate
18 workplace, provide a dental exam, and direct patients
19 to a dentist. Dr. Funari stated, under the Board's
20 proposed guidelines, this would not be permitted. Ms.
21 Wucinski stated this was correct. She encouraged a
22 complaint be filed on the website or a phone call be
23 placed to the Board for these violations of the
24 Board's guidelines.]

25

1 CHAIRMAN ERHARD:

2 Any further discussion on it? We
3 probably need a motion and a second.

4 MS. WUCINSKI:

5 Do we have a motion to approve the final
6 Annex 16A-4633, Expansion of PHDHP
7 Practice Sites as amended?

8 MS. HUGHES:

9 So moved.

10 DR. SEID:

11 Second.

12 CHAIRMAN ERHARD:

13 On the question, is there any further
14 discussions? All in favor, vote aye.
15 Opposed, same sign. Thank you,
16 unanimous.

17 [The motion carried unanimously.]

18 ***

19 [Ms. Wucinski reviewed 16A-4634, Dental Board Fee
20 Regulation.]

21 ***

22 MS. WUCINSKI:

23 Ms. Lutz is looking for a vote to approve
24 the final rule making of this regulation
25 and direct Board Counsel to promulgate it

1 to the proper regulatory review process.

2 DR. LUGO:

3 So moved.

4 MS. MURRAY:

5 Second.

6 CHAIRMAN ERHARD:

7 On the question, any further discussions?

8 All in favor, aye. Opposed, same sign.

9 Thank you, unanimous.

10 [The motion carried unanimously.]

11 ***

12 [Ms. Wucinski noted the outstanding regulations. She
13 informed the Board a significant number of the
14 regulations were moving forward.]

15 ***

16 [K. Kalonji Johnson, Acting Commissioner, Bureau of
17 Professional and Occupational Affairs, entered the
18 Meeting at 9:34 a.m.]

19
20
21 ***

22 Report of Board Chairperson

23 [John D. Erhard, III, D.D.S., Chairperson, announced
24 the Act 41 Committee approved the requested licensure.
25 He received a letter from a dentist requesting if the
26 Board had considered waving courses (CE) that required
27 in-person attendance during this particular period.
28 Chairman Erhard suggested the Board could go to

1 broadcast or written courses for this year. Mr. Lugo
2 indicated premature yet due to the uncertainty of how
3 long this pandemic would last. Chairman Erhard
4 indicated the CDC exam made some minor changes
5 considering the Covid-19 situation. The mannequin
6 exams, which required candidates to use all the
7 precautions with masks and gloves, was being waived
8 due to the shortage. Candidates can continue with the
9 exam in scrubs without masks, et cetera.

10 Chairman Erhard informed the Board there was a
11 need for more examiners as a result of the Covid-19
12 pandemic. No exams had yet been cancelled. He stated
13 the organization was making efforts to go forward with
14 everything as scheduled. Chairman Erhard noted one
15 examination being cancelled due to not being able to
16 obtain gloves and masks in the state of Maryland.]

17 ***

18 [Arlene G. Seid, M.D., MPH, Department of Health,
19 presented an update for the Department of Health. Dr.
20 Seid stated on January 30, 2020, the World Health
21 Organization (WHO) declared the novel coronavirus
22 outbreak a global health emergency. On March 11,
23 2020, the Covid-19 virus was declared a pandemic. Dr.
24 Seid reviewed Pennsylvania's response to the pandemic
25 with all closings of schools ordered by the Governor.

1 She reviewed the international and national level
2 positive cases for the virus. Dr. Seid stated
3 Pennsylvania was fortunate to have in-state testing.
4 She informed the Board there were draft guidelines for
5 Dental-related issue to Covid-19 that should be out
6 soon.

7 Dr. Lugo questioned whether the Dental Guidelines
8 included guidelines for procedure or patient
9 protection. Dr. Seid stated the guidelines were still
10 not finalized. She indicated Dr. Mozaffarian was
11 heading the coordination of these guidelines.

12 Chairman Erhard requested Dr. Mozaffarian to
13 comment. Dr. Mozaffarian stated the CDC acknowledged
14 the specific aerosol procedures in Dentistry. She
15 drafted a document that was being reviewed by
16 Infectious Disease in the Department of Health. Dr.
17 Mozaffarian suggested the best resource would be the
18 CDC section under EMS, specifically the aerosol
19 generating procedure.

20 Dr. Lugo mentioned his biggest concern with making
21 certain that Dental Professionals understand they are
22 in the biggest high-risk category for the Covid-19.
23 Dr. Lugo stated the Personal Protective Equipment
24 should be a respirator and a mask. Dr. Lugo indicated
25 the Department of Health could point Dentist

1 Professionals for the right protective equipment. Dr.
2 Mozaffarian was contacted Dr. Levine herself and
3 acknowledged the Dental field as one of the highest
4 risk professions.

5 Dr. Seid referred to an article that covers office
6 and other protective equipment for dentistry. Dr.
7 Lugo suggested providing these resources to Dentists
8 and Dental owners to understand protection in the
9 workplace. Dr. Lugo strongly suggested disseminating
10 this information as soon as possible to ensure proper
11 protection is being enforced in Dental offices.

12 Chairman Erhard suggested sending emails to all
13 Dentists in Pennsylvania referencing the resources for
14 the public.

15 K. Kalonji Johnson, Acting Commissioner of
16 Professional and Occupational Affairs, questioned
17 whether the plan was to create a document or to
18 maintain a living repository of the document changes
19 with an Annex site. Dr. Mozaffarian indicated
20 currently it was a foundational document that should
21 not need to be changed again. She announced was
22 leaving it to the Infectious Disease Experts and
23 Epidemiologist to make the judgement call upon their
24 review of the document.

25 Acting Commissioner Johnson suggested if this is a

1 document, he would offer that the Bureau could move
2 the document. Acting Commissioner Johnson assured the
3 Board that everyone in the foundation would be emailed
4 the document.

5 The Board discussed the live webinar option for
6 CE.

7 Dr. Lugo suggested, in lieu of the current
8 situation, any travels to conferences for Board
9 Members be cancelled until further notice. Acting
10 Commissioner Johnson confirmed that state travel was
11 restricted for Commonwealth employees, which the Board
12 Members would fall into this category.]

13 ***

14 Report of Commissioner
15 [Acting Commissioner Johnson reviewed the resources
16 available considering the current health crisis. He
17 reassured the Board of his work with Board Counsel and
18 Board Administrator to make certain to distribute
19 these resources as quickly as possible. Acting
20 Commissioner Johnson highlighted the travel
21 restrictions discussed previously in the meeting.]

22 ***

23 Report of Board Administrator
24 [Lisa M. Burns, Board Administrator, had no report.
25 She informed the Board of Dr. Erhard's term ending

1 soon. Ms. Burns gave a brief bio of Dr. Erhard's
2 accomplishments and contributions to the Board in the
3 last twelve years. Ms. Burns had a Proclamation of
4 gratitude for Chairman Erhard from the State Board of
5 Dentistry of the Commonwealth of Pennsylvania.

6 Chairman Erhard expressed his gratitude and
7 appreciation to the Board.

8 Alice Hart Hughes, Esquire, Public Member,
9 Secretary, presented her appreciation and gratitude
10 for Chairman Erhard's service to the Board.]

11 ***

12 Report of Committees

13 Act 41

14 [Chairman Erhard commented if the applications
15 presented would fall under Act 41. Acting Commission
16 Johnson expressed his gratitude to the Board and
17 Chairman Erhard for their work with regard to Act 41.
18 He stated the Board had been an administrative model
19 with handling the requirements.]

20 ***

21 Expanded Function Dental Assistant Committee

22 [Theresa A. Groody, E.F.D.A., Board Member, announced
23 the continued plans to move forward with the June 5
24 and June 6, 2020 dates. She indicated a backup
25 provision would be sought, if needed.]

1 ***

2 Licensure Committee - No Report

3 ***

4 Newsletter - No Report

5 ***

6 Probable Cause Screening Committee

7 [Alice Hart Hughes, Esquire, Public Member, Board
8 Secretary, requested the Board to consider two
9 matters.]

10 ***

11 Scope of Practice - No Report

12 ***

13 Regulations/Legislation Review Committee

14 [R. Ivan Lugo, D.M.D., announced the committee met on
15 March 4, 2020, via Skype and reviewed the Board Packet
16 for the Preamble for PDHP (Public Health Dental
17 Hygiene Practitioner). Dr. Lugo stated the document
18 would be finalized prior to submission of the next
19 agenda deadline.]

20 ***

21 [K. Kalonji Johnson, Acting Commissioner, Bureau of
22 Professional and Occupational Affairs, exited meeting
23 at 10:20 a.m.]

24 ***

25 [The Board recessed from 10:20 a.m. until 10:40 a.m.]

1 ***

2 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
3 10:40 a.m. the Board entered into Executive Session
4 with Dana Wucinski, Esquire, Board Counsel, for the
5 purpose of conducting quasi-judicial deliberations.
6 The Board returned to open session at 11:59 a.m.]

7 ***

8 MOTIONS:

9 MS. GROODY:

10 I move to approve the Consent Agreement
11 19-46-0125300.

12 DR. SEID:

13 Second.

14 CHAIRMAN ERHARD:

15 On the question?

16
17 Seid, aye; Hughes, aye; Murray, aye;
18 Sizemore, aye; Matta, aye; Sullivan, aye;
19 Casey, aye; Groody, aye; Funari, aye;
20 Lugo, aye; and Erhard, aye.

21 [The motion carried unanimously. The name of the
22 Respondent is Philip Hee-Ghun Shin, D.D.S.]

23 ***

24 DR. LUGO:

25 I move to assist Consent Agreement for

1 Case No. 18-46-010056.

2 MS. HUGHES:

3 Second.

4 CHAIRMAN ERHARD:

5 On the question?

6

7 Seid, aye; Hughes, aye; Murray, aye;

8 Sizemore, aye; Matta, aye; Sullivan, aye;

9 Casey, aye; Funari, aye; Lugo, aye;

10 Groody, aye; and Erhard, aye.

11 [The motion carried unanimously. The name of the

12 Respondent is Charles William Champion, Jr., D.D.S.]

13

14 DR. FUNARI:

15 I move to accept the Consent Agreement

16 for Case Nos. 19-46-010604 & 19-46-

17 011162.

18 DR. SEID:

19 Second.

20 CHAIRMAN ERHARD:

21 On the question?

22

23 Seid, aye; Hughes, aye; Murray, aye;

24 Sizemore, aye; Matta, aye; Sullivan, aye;

25 Casey, aye; Funari, aye; Lugo, aye;

1 Groody, aye; and Erhard, aye.

2 [The motion carried unanimously. The name of the
3 Respondent is Boris Fridman, D.M.D.]

4 ***

5 DR. CASEY:

6 I move to accept the Consent Agreement
7 for Case No. 19-46-013021.

8 MS. SULLIVAN:

9 Second.

10 CHAIRMAN ERHARD:

11 On the question?

12

13 Seid, aye; Hughes, aye; Murray, aye;
14 Sizemore, aye; Matta, aye; Sullivan, aye;
15 Casey, aye; Funari, aye; Lugo, aye;
16 Groody, aye; and Erhard, aye.

17 [The motion carried unanimously. The name of the
18 Respondent is Pankaj Rai Goyal, D.D.S.]

19 ***

20 DR. SULLIVAN:

21 In the case of Thomas John Dowling, II
22 D.M.D., Case No. 19-46-010178, I move
23 that the Board grant the Motion to Enter
24 Default and Deem Facts Admitted, and that
25 Board Counsel be directed to prepare an

1 Adjudication and Order in accordance with
2 our discussions in Executive Session.

3 DR. FUNARI:

4 Second.

5 CHAIRMAN ERHARD:

6 On the question?

7
8 Seid, aye; Hughes, aye; Murray, aye;
9 Sizemore, recused; Matta, aye; Sullivan,
10 aye; Casey, aye; Funari, aye; Lugo, aye;
11 Groody, aye; and Erhard, aye.

12 [The motion carried. The name of the Respondent is
13 Thomas John Dowling, II, D.M.D. Ms. Sizemore recused
14 herself from deliberations and voting on the motion.]

15 ***

16 DR. MATTA:

17 In the case of Devon M. Funke, EFDA, Case
18 No. 19-46-009528, I move that the Board
19 grant the Motion to Enter Default and
20 Deem Facts Admitted and the Board Counsel
21 be directed to prepare an adjudication
22 order in accordance with our discussions
23 in Executive Session.

24 MS. SIZEMORE:

25 Second.

1 CHAIRMAN ERHARD:

2 On the question?

3

4 Seid, aye; Hughes, aye; Murray, aye;
5 Sizemore, aye; Matta, aye; Sullivan, aye;
6 Casey, aye; Funari, aye; Lugo, aye;
7 Groody, aye; and Erhard, aye.

8 [The motion carried unanimously. The name of the
9 Respondent is Devon M. Funke, EFDA.]

10 ***

11 MS. SIZEMORE:

12 I move to direct Board Counsel to revise
13 the adjudication consistent with
14 discussion in Executive Session for
15 William Ryan Kisker, D.M.D., Case No. 18-
16 46-0240.

17 MS. HUGHES:

18 Second.

19 CHAIRMAN ERHARD:

20 On the question?

21

22 Seid, aye; Hughes, aye; Murray, aye;
23 Sizemore, aye; Matta, aye; Sullivan, aye;
24 Casey, aye; Funari, aye; Lugo, aye;
25 Groody, aye; and Erhard, aye.

1 [The motion carried unanimously. The name of the
2 Respondent is Willian Ryan Kisker, D.M.D.]

3 ***

4 MS. MURRAY:

5 I move that the Board adopt the
6 Adjudication and Order as presented by
7 Board Counsel in the case of Jennifer
8 Kormuth, Case No. 18-46-006379, and
9 direct Board Counsel to prepare the
10 Board's final order.

11 MS. HUGHES:

12 Second.

13 CHAIRMAN ERHARD:

14 On the question?

15
16 Seid, aye; Hughes, aye; Murray, aye;
17 Sizemore, aye; Matta, aye; Sullivan, aye;
18 Casey, aye; Funari, aye; Lugo, aye;
19 Groody, aye; and Erhard, aye.

20 [The motion carried unanimously. The name of the
21 Respondent is Jennifer L. Kormuth, R.D.H.]

22 ***

23 MS. GROODY:

24 I move to provisionally deny the
25 application of Sammy Stefan Noubissi,

1 Dentist.

2 MS. HUGHES:

3 Second.

4 CHAIRMAN ERHARD:

5 On the question?

6

7 Seid, aye; Hughes, aye; Murray, aye;

8 Sizemore, aye; Matta, aye; Sullivan, aye;

9 Casey, aye; Funari, aye; Lugo, aye;

10 Groody, aye; and Erhard, aye.

11 [The motion carried unanimously. The name of the
12 applicant is Sammy Stefan Noubbissi, Dentist.]

13 ***

14 DR. LUGO:

15 I move to provisionally deny the
16 application for Lawrence Craig Stein.

17 DR. SEID:

18 Second.

19 CHAIRMAN ERHARD:

20 On the question?

21

22 Seid, aye; Hughes, aye; Murray, aye;

23 Sizemore, aye; Matta, aye; Sullivan, aye;

24 Casey, aye; Funari, aye; Lugo, aye;

25 Groody, aye; and Erhard, aye.

1 [The motion carried unanimously. The name of the
2 applicant is Lawrence Craig Stein, Dentist.]

3 ***

4 MS. HUGHES:

5 I move to provisionally deny the request
6 of Eugene Ko, Dentist to grant a License
7 without examination.

8 MS. GROODY:

9 Second.

10 CHAIRMAN ERHARD:

11 On the question?

12

13 Seid, aye; Hughes, aye; Murray, aye;
14 Sizemore, aye; Matta, aye; Sullivan, aye;
15 Casey, aye; Funari, aye; Lugo, aye;
16 Groody, aye; and Erhard, aye.

17 [The motion carried unanimously. The name of the
18 applicant is Eugene Ko, Dentist.]

19 ***

20 DR. SEID:

21 I move to grant the license of Wieslawa
22 Siudyla under Act 41.

23 MS. HUGHES:

24 Second.

25 CHAIRMAN ERHARD:

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On the question?

Seid, aye; Hughes, aye; Murray, aye;
Sizemore, aye; Matta, aye; Sullivan, aye;
Casey, aye; Funari, aye; Lugo, aye;
Groody, aye; and Erhard, aye.

[The motion carried unanimously. The name of the
applicant is Wieslawa Siudyla, Dentist.]

Adjournment

[John F. Erhard III, D.D.S., Chairman, concluded the
meeting at 12:07 p.m., noting the next scheduled
meeting on May 15, 2020.]

[There being no further business, the State Board of
Dentistry meeting adjourned at 12:07 p.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Dentistry, 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.

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STATE BOARD OF Dentistry
REFERENCE INDEX
March 13, 2020

TIME	AGENDA
9:02	Official Call to Order
9:03	Introduction of Board and Audience
9:06	Approval of Minutes
9:21	Report of Board Counsel
9:34	Report of Chairman
9:38	Report of Department of Health
9:57	Report of Commissioner
10:01	Report of Board Administrator
10:14	Report of Committees
10:20	Recess
10:40	Executive Session
11:59	Return to Open Session
12:00	Motions
12:07	Adjournment