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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: 9:03 A.M.

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

March 16, 2018



1 State Board of Dentistry

2 March 16, 2018

3 \*\*\*

4 The regularly scheduled meeting of the State  
5 Board of Dentistry was held on Friday, March 16, 2018.  
6 John F. Erhard III, D.D.S., Chairperson, called the  
7 meeting to order at 9:03 a.m. John E. DeFinnis,  
8 D.D.S., and Molly Smith, Commissioner Liaison, on  
9 behalf of Ian Harlow, Commissioner of Bureau of  
10 Professional and Occupational Affairs, was not present  
11 at the commencement of the meeting. Roll call was  
12 taken.

13 \*\*\*

14 Introduction of Board and Audience

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

17 \*\*\*

18 [John E. DeFinnis, D.D.S., entered the meeting at 9:06  
19 a.m.]

20 \*\*\*

21 Approval of Minutes of the January 19, 2018 meeting

22 CHAIRPERSON ERHARD:

23 Are there any additions or corrections?

24 DR. DATTILO:

25 So moved.

1 DR. LUGO:

2                   Second.

3 CHAIRPERSON ERHARD:

4                   All in favor?

5 [The motion carried. Mariellen Brickley-Raab, R.D.H.,  
6 Secretary, abstained from voting on the motion.]

7                                   \*\*\*

8 Report of Prosecutorial Division

9 [Julia A. Feld-Caralle, Esquire, Board Prosecutor,  
10 presented a Consent Agreement for File No.  
11 16-46-03452.]

12                                   \*\*\*

13 [John D. Kelly, Esquire, Board Prosecutor, presented  
14 Consent Agreement for File No. 15-46-07739.]

15                                   \*\*\*

16 [John D. Kelly, Esquire, Board Prosecutor, presented  
17 Consent Agreement for File No. 16-46-07492. George  
18 Young, Esquire, Counsel for Respondent, was present  
19 and participated in the discussion.]

20                                   \*\*\*

21 [Paul J. Jarabeck, Esquire, Board Prosecutor,  
22 presented Consent Agreements for File No. 16-46-12889  
23 and File No. 18-46-01076.]

24                                   \*\*\*

25 [Prosecutors were requested to note recusals on cases

1 either by footnoting or indicating otherwise on the  
2 agenda.]

3 \*\*\*

4 Report of Board Counsel

5 [Kerry E. Maloney, Esquire, Board Counsel, noted one  
6 Proposed Adjudication and Order and five Final  
7 Adjudications and Orders for discussion during  
8 Executive Session.

9 Mr. Maloney discussed Act 6 of 2018, formerly SB  
10 354, as well as the three regulation packages that  
11 were combined into one. He also mentioned that a  
12 possible addition to that regulation would be to  
13 combine four into one. Mr. Maloney will provide a  
14 copy of the Annex to Board members. Board counsel and  
15 regulatory counsel will review and answer questions  
16 and comments received from the Office of General  
17 Counsel.

18 Mr. Maloney suggested that Board members should  
19 raise questions or concerns about a bill at Board  
20 meetings, then Board Counsel may analyze and address  
21 the bill.

22 There was discussion regarding Senate Bill 354 as  
23 it pertains to expungements.

24 Mr. Maloney and the Board discussed the meaning  
25 of a summary offense, which may include violations

1 such as a citation, traffic ticket, and disorderly  
2 conduct matters, as well as the 30-day reporting  
3 requirement with regard to those summary offenses.]

4 \*\*\*

5 Report of Board Chairperson

6 [John E. DeFinnis, D.D.S., reported on his recent  
7 attendance at the American Association of Dental  
8 Boards Meeting in Atlanta, Georgia.

9 Dr. DeFinnis summarized the meeting by noting  
10 that the President of the ADA, Dr. Gary Roberts,  
11 discussed license portability and the Objectivity,  
12 Structure and Clinical Exam (OSCE) for 2020. He also  
13 noted discussion related to anesthesia regulations and  
14 morbidity rates, training competency, importance of  
15 (Body Mass Index) BMI, capnography, good medical  
16 history and mock drills.

17 Dr. DeFinnis referred to the mention of the  
18 Sunset Bill by a Texas lawyer that allows outsiders to  
19 review anesthesia data. Specialty recognition was  
20 also discussed.

21 Dr. DeFinnis further noted presentations  
22 pertaining to the future of dentistry and education,  
23 opioid use, and the scope of hygienists.

24 Dr. DeFinnis stated the next American Association  
25 of Dental Boards Meeting will be held April 22 and 23,







1 the Board amend the Regulation Section  
2 33.103, which is Examinations (c):  
3 Expanded function dental assistants, the  
4 way it's worded now, it says candidates  
5 for certification shall pass a written  
6 examination acceptable to the Board.

7 So our goal is to match the wording  
8 in (a) and (b), which is Dentist and  
9 Dental Hygienist Examinations. So our  
10 direct wording as a committee to present  
11 to you today is that candidates for  
12 certification shall pass a written and  
13 expanded function dental assisting  
14 examination—clinical by CDCA or its  
15 successor or similar testing agency  
16 approved by the Board.

17 We also would like to amend (d) to  
18 include the EFDA in the clinical section  
19 of that wording.

20 So to that end, I'd like to open  
21 discussion and perhaps make a motion to  
22 add this to the current general revision  
23 package.

24 There was discussion concerning the  
25 suggested language.

1 [END OF REQUESTED VERBATIM]

2 CHAIRPERSON ERHARD:

3           What I would ask for is a vote on that  
4           language. And fortunately, we will be  
5           able to plug it into the current general  
6           revision package. You don't have to be  
7           in a new one. That will also allow later  
8           for public comment on it, so it's not  
9           like it's something that's being snuck in  
10          at the eleventh hour.

11           So if we could have a motion and a  
12          vote on the language and to insert it  
13          into the current general revisions  
14          package.

15 [The committee decided to move in the direction of  
16 quality control. There was discussion concerning the  
17 addition of a clinical component so that the  
18 competency level could be reviewed rather than just  
19 the written exam for EFDAs. It was further noted that  
20 Ohio was the only state that has the clinical exams.]

21 CHAIRPERSON ERHARD:

22           We have a motion. Do you want to be  
23          specific about the motion?

24 MR. MALONEY:

25           If I can clarify the motion, is the

1 motion to adopt and insert that language  
2 that was discussed, and we can have it  
3 re-read, into the current general  
4 revisions regulatory package to move  
5 forward along with that package.

6 DR. DATTILO:

7 So moved.

8 CHAIRPERSON ERHARD:

9 Dr. Dattilo has moved. Can we have a  
10 second?

11 DR. LUGO:

12 Second.

13 [It was reiterated that Section 33.103(c) would be  
14 changed to candidates for certification shall pass a  
15 written and expanded function dental assistant  
16 clinical examination by CDCA or its successor or  
17 similar testing agency approved by the Board.]

18 CHAIRPERSON ERHARD:

19 So it was moved and seconded. Is there  
20 any further discussion on the motion?

21 Discussion from the audience?

22 [It was commented that originally the EFDA  
23 certification did not require a clinical exam due to  
24 the cost. The cost, which is similar to the \$695 cost  
25 for the hygiene exam, would need to be included in the

1 package.]

2 CHAIRPERSON ERHARD:

3           So we have a motion seconded. There's no  
4           more discussion. Let's call for a vote.

5

6           Hughes, aye; Groody, aye; Brickley-Raab,  
7           aye; Zehring, aye; Matta, aye; DeFinnis,  
8           aye; Seid, aye; Dattilo, aye; Lugo, aye;  
9           Erhard, aye.

10 [The motion carried unanimously.]

11

\*\*\*

12 [Chairperson Erhard congratulated Ms. Groody and the  
13 committee for their hard work.]

14

\*\*\*

15 License Committee

16 [Mariellen Brickley-Raab, R.D.H., Secretary, reviewed  
17 the CDCA examination. She noted that her concerns  
18 included minimal competency level of knowledge and  
19 skills, the rise of corporate dentistry, and that  
20 there are no mentorships upon graduation. Ms.  
21 Brickley-Raab suggested that a panel be scheduled to  
22 discuss the discrepancies and their effects on the  
23 outcome of the exam. She commented that as associates  
24 of ADEX, this Board's members can sit on the  
25 examination boards as dentists and dental hygienists



1 Scope of Practice

2 [David J. Dattilo, D.D.S., questioned the status of  
3 the botulinum toxin and injectable dermal fillers. It  
4 was noted the committee was not required to proceed  
5 further. Counsel was reviewing the information.]

6 \*\*\*

7 For the Board's Information/Discussion

8 [Chairperson Erhard referred Board members to  
9 correspondence providing the Pennsylvania Licensing  
10 System (PALS) update.

11 There was discussion regarding correspondence  
12 concerning the Commission on Dental Accreditation's  
13 (CODA) elimination of the term specialty training.

14 It was stated that Pennsylvania has the right to  
15 protect its license procedures based on this state's  
16 needs and no other elements.

17 Chairperson Erhard suggested that the committees  
18 work together to obtain background information.]

19 \*\*\*

20 [Ms. Groody exited the meeting at 10:42 a.m. and re-  
21 entered at 10:46 a.m.]

22 \*\*\*

23 [Board members were referred to the Recusal Guidelines  
24 for review.]

25 \*\*\*

1 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
2 11:00 a.m. the Board entered into Executive Session  
3 with Kerry E. Maloney, Esquire, Board Counsel, for the  
4 purpose of conducting quasi-judicial deliberations.  
5 The Board returned to open session at 12:20 p.m.

6 Molly Smith, Commissioner Liaison, on behalf of  
7 Ian Harlow, Commissioner of Bureau of Professional and  
8 Occupational Affairs, entered the meeting during the  
9 Board's Executive Session.]

10 \*\*\*

11 MOTIONS:

12 MS. BRICKLEY-RAAB:

13 I move that the Board adopt the Hearing  
14 Examiner's Proposed Adjudication and  
15 Order in the case of Alford George  
16 Khallouf, D.D.S., File No. 17-46-08404,  
17 and direct Board Counsel to prepare the  
18 Final Order.

19 CHAIRPERSON ERHARD:

20 Second?

21 DR. SEID:

22 Second.

23 CHAIRPERSON ERHARD:

24 On the question?

25

1 Hughes, recused; Groody, aye;  
2 Brickley-Raab, aye; Zehring, recused;  
3 Matta, recused; DeFinnis, aye; Seid, aye;  
4 Dattilo, aye; Lugo, aye; Smith, aye;  
5 Erhard, aye.

6 [The motion carried. Ms. Hughes, Ms. Zehring, and Dr.  
7 Matta recused from deliberations and voting on the  
8 motion.]

9 \*\*\*

10 [Ms. Smith exited the meeting at 12:21 p.m.]

11 \*\*\*

12 DR. SEID:

13 I move to accept the Consent Agreement  
14 for File No. 16-46-03452.

15 CHAIRPERSON ERHARD:

16 Second?

17 MS. ZEHRING:

18 Second.

19 CHAIRPERSON ERHARD:

20 On the question?

21

22 Hughes, aye; Groody, aye; Brickley-Raab,  
23 aye; Zehring, aye; Matta, aye; DeFinnis,  
24 aye; Seid, aye; Dattilo, aye; Lugo, aye;  
25 Erhard, aye.



1 [The motion carried unanimously. The Respondent's  
2 name is Constance M. Dalessio.]

3 \*\*\*

4 DR. DATTILO:

5 I move to accept the Consent Agreement  
6 for File No. 15-46-07739.

7 MS. ZEHRING:

8 Second.

9 CHAIRPERSON ERHARD:

10 On the question?

11

12 Hughes, aye; Groody, aye; Brickley-Raab,  
13 aye; Zehring, aye; Matta, aye; DeFinnis,  
14 aye; Seid, aye; Dattilo, aye; Lugo, aye;  
15 Erhard, aye.

16 [The motion carried unanimously. The Respondent's  
17 name is Paresh R. Patel, D.M.D.]

18 \*\*\*

19 DR. SEID:

20 I move to accept the Consent Agreement  
21 for File No. 16-46-07492.

22 DR. BRICKLEY-RAAB:

23 Second.

24 CHAIRPERSON ERHARD:

25 On the question?

1

2

Hughes, aye; Groody, aye; Brickley-Raab,

3

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

4

aye; Seid, aye; Dattilo, aye; Lugo, aye;

5

Erhard, aye.

6

[The motion carried unanimously. The Respondent's

7

name is Jim Cheng, D.M.D.]

8

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9

DR. DEFINNIS:

10

I move to accept the Consent Agreement

11

for File No. 16-46-12889.

12

DR. MATTA:

13

Second.

14

CHAIRPERSON ERHARD:

15

On the question?

16

17

Hughes, aye; Groody, aye; Brickley-Raab,

18

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

19

aye; Seid, aye; Dattilo, aye; Lugo, aye;

20

Erhard, aye.

21

[The motion carried unanimously. The Respondent's

22

name is Patrick Vincent Murphy, D.M.D.]

23

\*\*\*

24

DR. MATTA:

25

I move to accept the Consent Agreement

1 for File No. 18-46-01076.

2 MS. BRICKLEY-RAAB:

3 Second.

4 CHAIRPERSON ERHARD:

5 On the question?

6

7 Hughes, aye; Groody, aye; Brickley-Raab,  
8 aye; Zehring, aye; Matta, aye; DeFinnis,  
9 aye; Seid, aye; Dattilo, aye; Lugo, aye;  
10 Erhard, aye.

11 [The motion carried unanimously. The Respondent's  
12 name is Ilya Babiner, D.D.S. d/b/a General Dentistry  
13 Number One, P.C.]

14

\*\*\*

15 MS. ZEHRING:

16 I move that the Board adopt the  
17 Adjudications and Orders as presented by  
18 Board Counsel for the items presented in  
19 the agenda 8 through 12; File No. 14-46-  
20 10020, File No. 15-46-05337, File No. 15-  
21 46-13918, File No. 16-46-01079, File No.  
22 16-46-11100.

23 DR. DEFINNIS:

24 Second.

25 CHAIRPERSON ERHARD:

1 On the question?

2

3 Hughes, aye; Groody, aye; Brickley-Raab,  
4 aye; Zehring, aye; Matta, aye; DeFinnis,  
5 aye; Seid, aye; Dattilo, aye; Lugo, aye;  
6 Erhard, aye.

7 [The motion carried unanimously.]

8

\*\*\*

9 MS. GROODY:

10 I move to approve Manor College's  
11 200-hour EFDA Program Application.

12 DR. DATTILO:

13 Second.

14 CHAIRPERSON ERHARD:

15 On the question?

16

17 Hughes, aye; Groody, aye; Brickley-Raab,  
18 aye; Zehring, aye; Matta, aye; DeFinnis,  
19 aye; Seid, aye; Dattilo, aye; Lugo, aye;  
20 Erhard, aye.

21 [The motion carried unanimously.]

22

\*\*\*

23 MS. GROODY:

24 I move to reject Montgomery County  
25 Community College's EFDA Program

1 Application.

2 DR. SEID:

3 Second.

4 CHAIRPERSON ERHARD:

5 On the question?

6

7 Hughes, aye; Groody, aye; Brickley-Raab,  
8 aye; Zehring, aye; Matta, aye; DeFinnis,  
9 aye; Seid, aye; Dattilo, aye; Lugo, aye;  
10 Erhard, aye.

11 [The motion carried unanimously.]

12

\*\*\*

13 [Chairperson Erhard noted that the next MOM-n-PA will  
14 be held May 18 and 19, 2018, in Reading, Pennsylvania.  
15 He also noted the next Board meeting scheduled for May  
16 18, 2018.]

17

\*\*\*

18 Adjournment

19 CHAIRPERSON ERHARD:

20 Motion to adjourn?

21 MR. MALONEY:

22 So moved.

23 DR. MATTA:

24 Second.

25 CHAIRPERSON ERHARD:

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Thank you.

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[There being no further business, the State Board of  
Dentistry Meeting adjourned at 12:25 p.m.]

\*\*\*

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 R. Baier,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF DENTISTRY  
REFERENCE INDEX  
March 16, 2018

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7	9:03	Official Call to Order/Roll Call
8		
9	9:04	Introduction of Board/Audience
10		
11	9:06	Approval of Minutes
12		
13	9:07	Report of Prosecutorial Division
14		
15	9:24	Report of Board Counsel
16		
17	9:47	Report of Board Chairperson
18		
19	10:16	Report of Committees
20		
21	10:41	Correspondence
22		
23	11:00	Executive Session
24	12:20	Return to Open Session
25		
26	12:20	Motions
27		
28	12:25	Adjournment
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