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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: 9:09 A.M.

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

May 18, 2018

1 ALSO PRESENT: (CONTINUED)
2
3 K. Wesley Mishoe, Esquire, Eckert Seamans
4 Joseph Turnbill, Esquire
5 Marisa Swarney, Director of Government Relations,
6 PA Dental Association
7 Tina Kotsalos, Department of Banking and Securities
8 Donna Wadsworth, Agent Service Specialist, PA
9 Department of Aging
10 Bridget Montgomery, Esquire, Respondent's Counsel
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1 ***

2 State Board of Dentistry

3 May 18, 2018

4 ***

5 The regularly scheduled meeting of the State
6 Board of Dentistry was held on Friday, May 18, 2018.
7 John F. Erhard III, D.D.S., Chairperson, called the
8 meeting to order at 9:09 a.m. Molly Smith,
9 Administrative Officer, Bureau of Professional and
10 Occupational Affairs, was not present at the
11 commencement of the meeting.

12 ***

13 [Lisa M. Burns, Board Administrator, exited the
14 meeting at 9:10 a.m. and re-entered at 9:11 a.m.]

15 ***

16 Introduction of Board and Audience

17 [Chairperson Erhard requested the introduction of
18 Board and audience members.]

19 ***

20 [Chairperson Erhard welcomed new Board member Jennifer
21 Unis Sullivan, D.M.D., JD. Dr. Sullivan provided a
22 brief summary of her professional background.]

23 ***

24 [Chairperson Erhard noted this would be the last Board
25 meeting for Rebecca Zehring from the Office of

1 Attorney General. He stated Amber Sizemore, Esquire,
2 will assume the position on the Board as
3 representative from the Attorney General's Office and
4 will be officially welcomed at the July meeting.

5 Chairperson Erhard stated that both Dr. John
6 DeFinnis and Dr. Lisa Deem will no longer serve on the
7 Board and provided a summary of their service to the
8 Board.]

9

10 Appointment - Department of Banking and Securities
11 [Tina Kotsalos, Director of the Investor Education and
12 Consumer Outreach Office, Department of Banking and
13 Securities, and Donna Wadsworth, Agent Service
14 Specialist, PA Department of Aging, provided a
15 PowerPoint presentation and video with regard to scams
16 and crimes, including elder financial exploitation
17 affecting the older population in Pennsylvania.

18 Ms. Wadsworth reviewed additional forms of elder
19 exploitation, including caregiver neglect and self-
20 neglect. She discussed ways to recognize these signs
21 of abuse. Ms. Kotsalos urged Board members to contact
22 the PA Department of Aging if signs of abuse are
23 suspected. She noted that further information
24 regarding the matter was available upon request.]

25

1 [Chairperson Erhard stated the Board voted to invite
2 all dentists and dental hygienist testing agencies
3 that offer licensure examinations to appear at this
4 meeting to present information for the Board members
5 to understand. He noted responses from Southern
6 Regional Testing Agency (SRTA) and Council of
7 Interstate Testing Agencies, Inc., (CITA) in the
8 agenda packet. Representatives from the Central
9 Regional Testing Service, the Western Regional
10 Examination Board, and the Commission on Dental
11 Competency Assessments were thanked for their
12 attendance at the meeting.]

13

14 Appointment - Central Regional Dental Testing Service
15 [Mariellen Brickley-Raab, Chair of Licensure
16 Committee, introduced Dr. Barbara Mousel, past
17 president of the Central Regional Dental Testing
18 Service (CRDTS), who provided a PowerPoint
19 presentation.

20 Dr. Mousel provided a brief summary of her
21 professional background and of the organization. She
22 discussed the structure of the entity, examination
23 development, format and scoring, occupational analysis
24 and goals of the CRDTS.]

25

1 Appointment - Western Regional Examining Board
2 [[Mariellen Brickley-Raab, Chair of Licensure
3 Committee, introduced Dr. Bruce Horn, Director of
4 Dental Exams for the Western Regional Examining Board
5 (WREB). Dr. Horn provided a brief summary of his
6 professional background before offering his PowerPoint
7 presentation.

8 Dr. Horn indicated that Integrated National Board
9 Dental Exam (INBDE) will replace National Board Parts
10 1 and 2. After two years, the "I" will be dropped,
11 and it will return to the National Board Dental Exam.

12 Dr. Horn discussed WREB exam changes, including
13 operating standards, testing reliability, validity and
14 stability, and various testing guidelines and
15 standards. He itemized the Comprehensive Treatment
16 Planning module. Examination retake specifications
17 were discussed. He suggested that the Board invite
18 the Director of Hygiene to address the hygiene exam.]

19 ***

20 [The Board recessed from 11:11 a.m. until 11:21 a.m.]

21 ***

22 Appointment - Commission on Dental Competency

23 Assessments

24 [Mariellen Brickley-Raab, Chair of Licensure
25 Committee, introduced Dave Perkins, D.M.D., Chairman

1 of the Commission on Dental Competency Assessments
2 (CDCA). Dr. Perkins discussed significant differences
3 and advantages that the American Board of Dental
4 Examiners (ADEX) offers for initial licensure.

5 Dr. Perkins stated Pennsylvania participated in
6 the licensure process for a long time and noted the
7 early days when the Board was awarded a grant to study
8 the licensure process. He further reviewed the
9 difference in exam content and scoring.

10 Dr. Perkins discussed the four PA licensure
11 exams, including ADEX, CRDTS, SRTA and WREB, as well
12 as the licensure exams in other states and Canada.
13 Determination of exam content was discussed.

14 Dr. Perkins noted that Maryland, District of
15 Columbia, Hawaii, New Jersey, Florida, North Carolina,
16 Louisiana, and Puerto Rico decided to only recognize a
17 testing administration agency. He discussed the
18 possibility of a national exam. Pass/fail exam
19 statistics were noted.

20 Dr. Perkins recommended that the Board join those
21 states mentioned above and accept ADEX testing only.
22 Dr. Erhard suggested the five major testing agencies
23 come together and recognize one exam.]

24 ***

25 Approval of Minutes

1 Approval of Minutes of the March 16, 2018 meeting.

2 CHAIRPERSON ERHARD:

3 Does anyone have any additions or
4 corrections?

5 [The Board discussed corrections to the minutes.]

6 CHAIRPERSON ERHARD:

7 I need a motion to approve the minutes
8 as amended.

9 DR. SEID:

10 I move to accept the minutes as amended.

11 MS. GROODY:

12 Second.

13 CHAIRPERSON ERHARD:

14 All in favor? Opposed? Any abstentions?

15 [The motion passed. Dr. Sullivan and Dr. Casey
16 abstained from voting on the motion.]

17 ***

18 Report of Prosecutorial Division

19 [John D. Kelly, Esquire, Board Prosecutor, presented a
20 Consent Agreement for File No. 14-46-14183.]

21 ***

22 [Peter Kovach, Esquire, Board Counsel, exited the
23 meeting at 11:50 a.m. for recusal purposes.]

24 ***

25 [Cynthia Montgomery, Esquire, Board Counsel, entered

1 the meeting at 11:50 a.m.]

2 ***

3 [John D. Kelly, Esquire, Board Prosecutor, presented a
4 Consent Agreement for File No. 15-46-04818.]

5 ***

6 [Peter Kovach, Esquire, Board Counsel, re-entered the
7 meeting at 11:52 a.m.]

8 ***

9 [Cynthia Montgomery, Esquire, Board Counsel, exited
10 the meeting at 11:56 a.m.]

11 ***

12 [John D. Kelly, Esquire, Board Prosecutor, presented
13 Consent Agreements for File No. 16-46-08118 and File
14 No. 16-46-10121.]

15 ***

16 [John D. Kelly, Esquire, Board Prosecutor, presented a
17 Consent Agreement for File No. 16-46-11964. Bridget
18 Montgomery, Esquire, Counsel for the Respondent, was
19 also present and participated in the discussion.]

20 ***

21 [Julia A. Caralle, Esquire, Board Prosecutor,
22 presented a Consent Agreement for File No. 18-46-
23 00365.]

24 ***

25 [Paul J. Jarabeck, Esquire, Board Prosecutor,

1 presented a Consent Agreement for File No. 15-46-
2 01144.]

3 ***

4 [Cynthia Montgomery, Esquire, Board Counsel, re-
5 entered the meeting at 12:14 a.m.]

6 ***

7 Report of Board Counsel

8 Status of Regulations

9 [Cynthia Montgomery, Esquire, Board Counsel, stated no
10 public comment had been received with regard to
11 Proposed Rulemaking 16A-4626, Child Abuse Reporting
12 Requirements, and Final Annex. Ms. Montgomery
13 referred Board members to a draft of the Final
14 Rulemaking comments from the Independent Regulatory
15 Review Commission (IRRC) and the Summary of IRRC's
16 Comments and Suggested Responses for further
17 discussion.

18 Ms. Montgomery discussed changes to the Final
19 Annex language, including several in Section 33.1,
20 Definitions, and Section 33.401, Credit-hour
21 requirements. She stated the regulation as amended
22 was consistent with the Child Protective Services
23 Law.]

24 MS. MONTGOMERY:

25 If you're satisfied with this version of

1 the Final Rulemaking, if you would, a
2 vote to approve the Final Annex as
3 Amended.

4 DR. SEID:

5 I so move.

6 MS. HUGHES:

7 Second.

8 CHAIRPERSON ERHARD:

9 Any other discussion on the question?

10 Call for the vote. All in favor?

11 Opposed? Seeing none, passed.

12 [The motion carried unanimously.]

13 ***

14 Report of Board Counsel (Continued)

15 [Peter Kovach, Esquire, Board Counsel, noted Consent
16 Agreements, a Motion to Enter Default and Deem Facts
17 Admitted, three Proposed Adjudications and Orders, one
18 miscellaneous item, and one application for Board
19 deliberation during Executive Session.]

20 ***

21 Report of Board Chairperson

22 [John F. Erhard, III, D.D.S., Chairperson, requested
23 the Board note changes to the committee assignments.
24 This being Ms. Zehring's last meeting, he asked that a
25 Board member consider participating on the Probable

1 Cause Screening Committee.

2 The Chairperson noted the elimination of the
3 Practice Ownership Committee, but stated the Board
4 would be able to reinstate that committee at will in
5 the future.

6 Mr. Erhard stated that he, Ms. Hughes, Dr. Lugo
7 and Ms. Groody will participate in this year's
8 Mom-n-PA event in Reading, Pennsylvania.]

9

10 For the Board's Information/Discussion

11 [Chairperson Erhard asked for a volunteer to attend
12 the AADB 135 Annual Meeting to be held September 22,
13 23, 2018 in Hawaii.]

14 CHAIRPERSON ERHARD:

15 I need a motion for the Board to
16 underwrite the attendance of Dr. Lugo at
17 the AADB meeting on September 22 and 23,
18 2018.

19 MS. HUGHES:

20 So moved.

21 MS. GROODY:

22 Second.

23 CHAIRPERSON ERHARD:

24 All in favor? Opposed, same sign?

25 [The motion carried unanimously.]

1 ***
2 [Chairperson Erhard commented that since the last
3 meeting, he visited Temple and spoke to students and
4 faculty regarding the role of the State Board of
5 Dentistry.]

6 ***
7 Report of Commissioner/Deputy Commissioner - No
8 Report.

9 ***
10 Report of Board Administrator - No Report

11 ***
12 Committee Reports
13 Expanded Function Dental Assistant Committee
14 [Theresa Groody, EFDA, Chairperson, contacted the CDCA
15 EFDA while awaiting the regulation package results and
16 is as well awaiting approval of PALS to officially
17 approve the programs discussed at the last meeting.
18 She stated Board Counsel was directed to write to one
19 of the schools discussed at the last meeting and
20 inquired if that transpired.

21 Chairperson Erhard will attend the CDCA exam in
22 Ohio.]

23 ***
24 Licensure Committee
25 [Mariellen Brickley-Raab, RDH, Chairperson, commented

1 that the presentation was helpful going forward with
2 the examination process in Pennsylvania. She may not
3 be at the July meeting, but would continue to work on
4 the matter until then.

5 Dr. Casey discussed his visits to Temple and
6 Wilkes College in Luzerne County.]

7

8 Newsletter

9 [Arlene G. Seid, M.D., MPH, commented that a vendor
10 reported to the department that a dental surgeon
11 prescribed 30 days' worth of Vicodin for a wisdom
12 tooth extraction. She suggested that the Board place
13 a reminder of the prescribing guidelines in the
14 newsletter.]

15

16 Probable Cause Screening Committee

17 [Alice Hart Hughes, Esquire, Chairperson, reported
18 that the committee had met that morning to consider
19 one item.]

20

21 Regulations/Legislative Review Committee - No Report.

22

23 Scope of Practice - No Report.

24

25 Correspondence

1 [Chairperson Erhard referred Board members to
2 correspondence from Dr. Reitz for review.]

3 ***

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

5 [Chairperson Erhard referred Board members to the
6 proposed 2019 Board Meeting dates for further
7 discussion. He again noted the responses from CITA
8 and SRTA for review.]

9 Mr. Kovach explained the recusal guidelines.]

10 ***

11 [The Board recessed from 12:47 p.m. until 12:55 p.m.]

12 ***

13 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
14 12:55 p.m. the Board entered into Executive Session
15 with Peter Kovach, Esquire, Board Counsel, and
16 Cynthia Montgomery, Esquire, Board Counsel, for the
17 purpose of conducting quasi-judicial deliberations and
18 to receive the advice of Counsel. The Board returned
19 to open session at 2:19 p.m.]

20 ***

21 [Molly Smith, Administrative Officer, Bureau of
22 Professional and Occupational Affairs, on behalf of
23 Ian Harlow, Commission of Professional and Occupation
24 Affairs, entered the meeting during Executive
25 Session.]

1 ***

2 MOTIONS

3 MR. KOVACH:

4 Pursuant to Section 708(a)(5) of the
5 Sunshine Act, the Board met in Executive
6 Session for the purpose of conducting
7 quasi-judicial deliberations and to
8 receive the advice of Counsel.

9 DR. SEID:

10 I'd move that we reject the Consent
11 Agreement for File No. 18-46-00365 as too
12 lenient.

13 MS. HUGHES:

14 Second.

15 CHAIRPERSON ERHARD:

16 On the question.

17
18 Hughes, aye; Lugo, aye, Casey, aye; Unis
19 Sullivan, aye; Brickley-Raab, aye;
20 Zehring, aye; Seid, aye; Groody, aye; and
21 Erhard, aye.

22 [The motion carried unanimously.]

23 ***

24 MS. ZEHRING:

25 I move to accept the Consent Agreement

1 for File No. 15-46-01144.

2 MS. BRICKLEY-RAAB:

3 Second.

4 CHAIRPERSON ERHARD:

5 On the question?

6

7 Hughes, aye; Lugo, aye, Casey, aye; Unis
8 Sullivan, aye; Brickley-Raab, aye;
9 Zehring, aye; Seid, aye; Groody, aye; and
10 Erhard, aye.

11 [The motion carried unanimously. The Respondent's
12 name is Heister H. Linn, Jr., D.D.S.]

13

14 MS. BRICKLEY-RAAB:

15 I move to accept the Consent Agreement
16 for File No. 14-46-14183.

17 DR. SEID:

18 Second.

19 CHAIRPERSON ERHARD:

20 On the question.

21

22 Hughes, aye; Lugo, aye, Casey, aye; Unis
23 Sullivan, aye; Brickley-Raab, aye;
24 Zehring, aye; Seid, aye; Groody, aye; and
25 Erhard, aye.

1 [The motion carried unanimously. The Respondent's
2 name is Ronald Joseph Briglia, D.M.S.]

3 ***

4 MS. HUGHES:

5 I move to accept the Consent Agreement at
6 File No. 15-46-04818.

7 MS. BRICKLEY-RAAB:

8 Second.

9 CHAIRPERSON ERHARD:

10 On the question.

11

12 Hughes, aye; Lugo, aye, Casey, aye; Unis
13 Sullivan, aye; Brickley-Raab, aye;
14 Zehring, aye; Seid, aye; Groody, aye; and
15 Erhard, aye.

16 [The motion carried unanimously. Peter Kovach,
17 Esquire, Board Counsel, recused from deliberations on
18 the matter. The Respondent's name is Larry H. Snyder,
19 D.D.S.]

20 ***

21 DR. UNIS SULLIVAN:

22 I move to accept the Consent Agreement
23 for File No. 16-46-08118.

24 MS. BRICKLEY-RAAB:

25 Second.

1 CHAIRPERSON ERHARD:

2 On the question.

3

4 Hughes, aye; Lugo, aye, Casey, aye; Unis
5 Sullivan, aye; Brickley-Raab, aye;
6 Zehring, aye; Seid, aye; Groody, aye; and
7 Erhard, aye.

8 [The motion carried unanimously. The Respondent's
9 name is Larry L. Shapiro, D.D.S.]

10 ***

11 DR. CASEY:

12 I move to accept the Consent Agreement
13 for File No. 16-46-10121.

14 MS. GROODY:

15 Second.

16 CHAIRPERSON ERHARD:

17 On the question.

18

19 Hughes, aye; Lugo, aye, Casey, aye; Unis
20 Sullivan, aye; Brickley-Raab, aye;
21 Zehring, aye; Seid, aye; Groody, aye; and
22 Erhard, aye.

23 [The motion carried unanimously. The Respondent's
24 name is Merys Downer-Garnette, D.M.D.]

25 ***

1 DR. LUGO:

2 I move to accept the Consent Agreement
3 for File No. 16-46-11964.

4 MS. HUGHES:

5 Second.

6 CHAIRPERSON ERHARD:

7 On the question.

8

9 Hughes, aye; Lugo, aye, Casey, aye; Unis
10 Sullivan, aye; Brickley-Raab, aye;
11 Zehring, aye; Seid, abstain; Groody, aye;
12 and Erhard, aye.

13 [The motion carried. Dr. Seid abstained from voting
14 on the motion. The Respondent's name is Willis
15 Clifton Manges, D.D.S.]

16

17 MS. HUGHES:

18 In the case of Elizabeth J. Rightweiser,
19 dental hygienist, at File No. 16-46-
20 03453, I move the Board deny the Motion
21 to Enter Default and Deem Facts Admitted,
22 and that Board Counsel be directed to
23 investigate service in accordance with
24 the discussions held in Executive
25 Session.

1 MS. BRICKLEY-RAAB:

2 Second.

3 CHAIRPERSON ERHARD:

4 Do you want to amend that?

5 MR. KOVACH:

6 We should probably amend that. Board
7 Counsel shouldn't be investigating;
8 however, we can take note of the Board's
9 concerns in the denial.

10 CHAIRPERSON ERHARD:

11 So amended and seconded.

12 On the question.

13

14 Hughes, aye; Lugo, aye, Casey, aye; Unis
15 Sullivan, aye; Brickley-Raab, aye;
16 Zehring, aye; Seid, aye; Groody, aye; and
17 Erhard, aye.

18 [The motion passed unanimously.]

19

20 MS. GROODY:

21 I move that the Board adopt the Hearing
22 Examiner's Proposed Adjudication and
23 Order in the case of Commonwealth of
24 Pennsylvania, Bureau of Professional and
25 Occupational Affairs vs. Nicholas

1 CHAIRPERSON ERHARD:

2 I'll make that motion.

3 MS. BRICKLEY-RAAB:

4 Second.

5 CHAIRPERSON ERHARD:

6 On the question.

7

8 Hughes, recused; Lugo, nay, Casey, aye;

9 Unis Sullivan, aye; Brickley-Raab, aye;

10 Zehring, recused; Seid, recused; Groody,

11 nay; Smith, aye; and Erhard, aye.

12 [The motion carried. Ms. Hughes, Dr. Seid and Ms.

13 Zehring recused from deliberations and voting on the

14 motion. Dr. Lugo and Ms. Groody opposed the motion.]

15

16 DR. SEID:

17 I move to deny the Request for

18 Reinstatement of Nicholas F. Breen,

19 D.M.D., File No. 17-46-11693, and direct

20 Board Counsel to prepare the Board's

21 final order.

22 MS. ZEHRING:

23 Second.

24 CHAIRPERSON ERHARD:

25 On the question.

1

2

Hughes, aye; Lugo, aye, Casey, aye; Unis

3

Sullivan, aye; Brickley-Raab, aye;

4

Zehring, aye; Seid, aye; Groody, aye; and

5

Erhard, aye.

6

[The motion carried unanimously.]

7

8

MS. ZEHRING:

9

I move to provisionally deny the

10

application of Daniel Sena, Dentist.

11

MS. HUGHES:

12

Second.

13

CHAIRPERSON ERHARD:

14

On the question.

15

16

Hughes, aye; Lugo, aye, Casey, aye; Unis

17

Sullivan, aye; Brickley-Raab, aye;

18

Zehring, aye; Seid, aye; Groody, aye; and

19

Erhard, aye.

20

[The motion carried unanimously.]

21

22

[Chairperson Erhard reminded Board members that the

23

next meeting will be held on July 20, 2018. He

24

thanked Ms. Zehring for being a part of the Board.]

25

1 Adjournment

2 CHAIRMAN ERHARD:

3 Motion to adjourn?

4 DR. CASEY:

5 I move that we adjourn.

6 DR. LUGO:

7 Second.

8 CHAIRMAN ERHARD:

9 All in favor?

10 [The motion carried unanimously.]

11 ***

12 [There being no further business, the State Board of
13 Dentistry meeting adjourned at 2:29 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 R. Baier

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF DENTISTRY
REFERENCE INDEX
May 18, 2018

| | TIME | AGENDA |
|----|-------|--|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | 9:09 | Official Call to Order |
| 8 | | |
| 9 | 9:09 | Introduction of Board |
| 10 | | |
| 11 | 9:18 | Appointment - Department of Banking and |
| 12 | | Securities |
| 13 | | |
| 14 | 9:47 | Appointment - Central Regional Dental |
| 15 | | Testing Service, Inc. |
| 16 | | |
| 17 | 10:17 | Appointment - Western Regional Examining |
| 18 | | Board |
| 19 | | |
| 20 | 11:11 | Recess |
| 21 | 11:21 | Return to Open Session |
| 22 | | |
| 23 | 11:21 | Appointment - Commission on Dental |
| 24 | | Competency Assessments |
| 25 | | |
| 26 | 11:50 | Approval of Minutes |
| 27 | | |
| 28 | 11:54 | Report of Prosecutorial Division |
| 29 | | |
| 30 | 12:14 | Report of Board Counsel |
| 31 | | |
| 32 | 12:31 | Report of Board Chairperson |
| 33 | | |
| 34 | 12:34 | For the Board's Information/Discussion |
| 35 | | |
| 36 | 12:36 | Report of Committees |
| 37 | | |
| 38 | 12:46 | For the Board's Information/Discussion |
| 39 | | (Continued) |
| 40 | | |
| 41 | 12:47 | Recess |
| 42 | 12:55 | Return to Open Session |
| 43 | | |
| 44 | 12:55 | Executive Session |
| 45 | 2:19 | Return to Open Session |
| 46 | | |
| 47 | 2:21 | Motions |
| 48 | | |
| 49 | 2:29 | Adjournment |
| 50 | | |