

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: 9:02 A.M.

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

May 19, 2017

1 ***

2 State Board of Dentistry

3 May 19, 2017

4 ***

5 The regularly scheduled meeting of the State
6 Board of Dentistry was held on Friday, May 19, 2017.
7 John F. Erhard III, D.D.S., Chairperson, called the
8 meeting to order at 9:02 a.m. Mariellen Brickley-
9 Raab, R.D.H., Secretary, was not present at the
10 commencement of the meeting.

11 ***

12 Introduction of Board and Audience

13 [Chairperson Erhard requested the introduction of
14 Board and audience members.]

15 ***

16 Approval of Minutes of the March 17, 2017 meeting

17 CHAIRPERSON ERHARD:

18 Are there any additions or corrections
19 to the last meeting?

20 DR. DEFINNIS:

21 I'll move the minutes be approved.

22 MS. ZEHRING:

23 Second.

24 CHAIRPERSON ERHARD:

25 All in favor of the minutes being

1 approved as presented? Opposed the
2 same. Thank you.

3 [The motion carried unanimously.]

4 ***

5 Report of Prosecutorial Division

6 [Paul J. Jarabeck, Esquire, Board Prosecutor,
7 presented Consent Agreements for File No. 13-46-06562,
8 File No. 14-46-13602, and File No. 15-46-04756.]

9 ***

10 [John D. Kelly, Esquire, presented Consent Agreements
11 for File No. 14-46-11226, File No. 14-46-12570, File
12 No. 14-46-12783, File No. 15-46-05343, File No. 15-46-
13 13932, File No. 15-46-15018, File No. 16-46-01994, and
14 File No. 16-46-04209.]

15 ***

16 Report of Board Counsel

17 [Kerry E. Maloney, Esquire, Board Counsel, discussed
18 the Draft Annex for PHDHP Practice Sites, §33.205b,
19 Practice as a public dental hygiene practitioner. Mr.
20 Maloney requested the Board vote on the pre-exposure
21 draft prior to publishing. Mr. Maloney noted a case
22 for discussion in Executive Session.]

23 ***

24 [Mariellen Brickley-Raab, R.D.H., Secretary, arrived
25 at the meeting at 9:24 a.m.]

1 ***

2 [Lisa M. Burns, Board Administrator, noted the updated
3 pre-exposure draft for the Board's approval.]

4 MR. DEFINNIS:

5 I'll make the motion and see if there's
6 a second.

7 MS. FOWLER:

8 I'll second.

9 ***

10 [Kerry E. Maloney, Esquire, Board Counsel, continued
11 the discussion regarding the pre-exposure draft. He
12 reviewed the regulations regarding hospitals, home
13 health facilities, and homebound services provided by
14 dental hygienists.

15 Arlene G. Seid, M.D., M.P.H., Dept. of Health
16 specifically discussed §33.205b(c)(4), personal care
17 homes.

18 Shawn M. Casey, D.M.D., specifically discussed
19 §33.205b(c)(11), permitting hygienists to work in an
20 office or clinic of a physician who is licensed by the
21 State Board of Medicine or the State Board of
22 Osteopathic Medicine.]

23 ***

24 Appointment - Bureau of Finance and Operations

25 [Chair Erhard announced a 9:30 appointment with the

1 Bureau of Finance and Operations, Justin Cowan,
2 Director, and Kimberly Mattis, Chief of the Division
3 of Fiscal Management.]

4 ***

5 [Justin Cowan, Director, Bureau of Finance and
6 Operations, presented the Board with information on
7 the current and pre-renewal licensing population from
8 fiscal years 2014, 2015, and 2016 averaged together.

9 Mr. Cowan also presented revenue and expenses for
10 fiscal years 2009 through 2016 and 2017.

11 Mr. Cowan noted the difference between revenue
12 and expenses and discussed options to lower the
13 expenditures. He also noted the projections to 2029
14 and 2030.

15 Mr. Cowan answered questions from the Board.]

16 ***

17 Report of Board Counsel - Continued

18 [Kerry E. Maloney, Esquire, Board Counsel, continued
19 the discussion regarding Draft Annex for PHDHP
20 Practice Sites, §33.205b.

21 Bruce Terry, D.M.D., addressed the Board
22 regarding the inpatient standard of care dentistry.]

23 CHAIRPERSON ERHARD:

24 There is a motion on the floor, and it's
25 been seconded. Dr. DeFinnis, would you

1 Dr. Erhard also discussed opioid abuse courses.
2 Chairperson Erhard informed the Board of a new
3 ADA agency relating to specialty recognition and
4 specialty boards.]

5 ***

6 Report of Commissioner

7 [Ian Harlow, Commissioner of Professional and
8 Occupational Affairs, informed the Board of an
9 appointment on the Senate Nomination Calendar, Alice
10 Hart Hughes. The current vacancy was down
11 approximately 50 bureau-wide.

12 Mr. Harlow updated the Board on the Pennsylvania
13 Licensing System, which was on time and on budget.
14 Communications will be via electronic means. Licenses
15 may be printed only once every three renewals after
16 possibly utilizing barcodes.

17 Mr. Harlow announced the training for public
18 Board members and any new appointments will be held
19 Thursday, September 28, 2017, in State College.]

20 ***

21 [Ian Harlow exited the meeting at 10:51 a.m.]

22 ***

23 Report of Board Administrator

24 [Lisa M. Burns, Board Administrator, noted concerns
25 regarding notifications for Board members attending

1 the accreditation site visits in a timely manner.

2 Ms. Burns informed the Board of the 2018 proposed
3 Board meeting dates along with the 2018 calendar.

4 Ms. Burns stated The Keystone Technical
5 Institute, which had an EFDA program approved by the
6 Board, closed their doors unexpectedly. Fourteen
7 students were affected, three of which will have to
8 start over.]

9

10 Report of Committees

11 [Theresa A. Groody, EFDA, updated the Board on
12 programs that applied for approval.

13 Ms. Groody informed the Board that after five
14 years, dentists and hygienists are required to retake
15 the clinical component of an accepted examination.
16 Ms. Groody suggested that EFDA sit before the Board
17 after five years.

18 Ms. Groody also suggested site visits for EFDA
19 approval programs.]

20

21 Licensure

22 [Ms. Groody informed the Board that ADA implied that
23 state dental boards had not been providing adequate
24 exams.

25 Ms. Groody suggested the Board consider

1 increasing continuing education credits across the
2 board.]

3 ***

4 Practice Ownership

5 [John E. DeFinnis, D.D.S., questioned the Board
6 regarding concerns or complaints of advertising of
7 large-group practices.

8 Dr. DeFinnis, at Chairperson Erhard's request,
9 agreed to take over the chairmanship of the
10 regulations and legislative review committee.]

11 ***

12 Newsletter

13 [Barbara (Bonnie) L. Fowler, Public Member, informed
14 the Board there will be approximately four newsletter
15 issues a year.]

16 ***

17 Probable Cause

18 [Rebecca Zehring, Office of Attorney General, informed
19 the Board of a recent probable cause matter heard by
20 telephone.]

21 ***

22 Regulations and Legislative Review

23 [John E. DeFinnis, D.M.D., reported no activity.]

24 ***

25 Scope of Practice

1 [Lisa P. Deem D.M.D., J.D., reported no activity.]

2 ***

3 Discussion

4 [Chairperson Erhard discussed the request for funds
5 for the annual AADB meeting held in conjunction with
6 the ADA meeting in October.]

7 DR. SEID:

8 I so move.

9 DR. DEFINNIS:

10 Second.

11 CHAIRPERSON ERHARD:

12 Thank you. Any questions? All in
13 favor? Opposed the same. Thank you,
14 and I'll have the report for you.

15 [The motion carried unanimously.]

16

17 [Chairperson Erhard discussed the annual meeting in
18 January for Board Chairs and Vice Chairs, which is a
19 good exchange of developments in different parts of
20 the county.]

21 CHAIRPERSON ERHARD:

22 Let's have a vote.

23 MS. BRICKLEY-RAAB:

24 So moved.

25 MS. FOWLER:

1 Second.

2 CHAIRPERSON ERHARD:

3 Any discussion? All in favor? Opposed
4 the same. Okay, thank you.

5 [The motion carried unanimously.]

6 ***

7 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
8 11:06 a.m. the Board entered into Executive Session
9 with Kerry E. Maloney, Esquire, Board Counsel, for the
10 purpose of conducting quasi-judicial deliberations.
11 The Board returned to open session at 1:15 p.m.]

12 ***

13 MOTIONS:

14 MS. FOWLER:

15 I'll move to accept the Consent
16 Agreement for File No. 13-46-06562 and
17 14-46-13602.

18 CHAIRPERSON ERHARD:

19 Need a second.

20 DR. DEFINNIS:

21 Second.

22 CHAIRPERSON ERHARD:

23 Thank you, second. Any questions?

24

25 Roll Call.

1

2

Brickley-Raab, aye; Groody, aye; Seid,

3

aye; Casey, aye; Deem, aye; DeFinnis,

4

aye; Zehring, aye; Fowler, aye.

5 MR. MALONEY:

6

I'll just give you the names. The name

7

for 13-46-06562 is Mersad Nik Hoorfar,

8

D.M.D., and the name for 14-46-13602 is

9

Larry Robert Berman, D.D.S.

10 [The motion carried unanimously.]

11

12 MS. ZEHRING:

13

I move to reject the Consent Agreement

14

for File No. 15-46-04756.

15 DR. DEEM:

16

Second.

17 CHAIRPERSON ERHARD:

18

Any questions?

19

20

Roll Call.

21

22

Brickley-Raab, aye; Groody, aye; Seid,

23

aye; Casey, aye; Deem, aye; DeFinnis,

24

aye; Zehring, aye; Fowler, aye; Erhard,

25

aye.

1 [The motion carried unanimously.]

2 ***

3 MS. ZEHRING:

4 I'll move to accept the Consent
5 Agreement for File No. 14-46-11226.

6 DR. DEEM:

7 Second.

8 CHAIRPERSON ERHARD:

9 Any questions?

10

11 Roll Call.

12

13 Brickley-Raab, aye; Groody, aye; Seid,
14 aye; Casey, aye; Deem, aye; DeFinnis,
15 aye; Zehring, aye; Fowler, aye; and
16 Erhard, aye.

17 [The motion carried unanimously.]

18 MR. MALONEY:

19 Name is Christine Naves Zadrozny.

20 ***

21 DR. DEFINNIS:

22 I move to accept the Consent Agreement
23 for File No. 14-46-12570.

24 MS. FOWLER:

25 Second.

1 CHAIRPERSON ERHARD:

2 Any questions?

3

4 Roll Call.

5

6 Brickley-Raab, aye; Groody, aye; Seid,
7 aye; Casey, aye; Deem, aye; DeFinnis,
8 aye; Zehring, aye; Fowler, aye; and
9 Erhard, aye.

10 [The motion carried unanimously.]

11 MR. MALONEY:

12 The Respondent's name is Jod L. Stabley,
13 D.M.D.

14 ***

15 DR. DEEM:

16 I move to accept the Consent Agreement
17 for File No. 14-46-12783 and File No.
18 15-46-05343.

19 MS. FOWLER:

20 Second.

21 CHAIRPERSON ERHARD:

22 Any questions?

23

24 Roll Call.

25

1 Erhard, aye.

2 [The motion carried unanimously. The Respondent's
3 name for 15-46-13932 is Kelly G. Poburski, R.D.H. The
4 Respondent's name for 15-46-15018 is Rachel M.
5 Giordano, EFDA.]

6 ***

7 DR. SEID:

8 I move to reject the Consent Agreement
9 as too lenient for File No. 16-46-01994.

10 MS. BRICKLEY-RAAB:

11 Second.

12 CHAIRPERSON ERHARD:

13 Any questions?

14

15 Roll Call.

16

17 Brickley-Raab, aye; Groody, aye; Seid,
18 aye; Casey, aye; Deem, aye; DeFinnis,
19 aye; Zehring, aye; Fowler, aye; and
20 Erhard, aye.

21 [The motion carried unanimously.]

22 ***

23 DR. SEID:

24 I move to accept the Consent Agreement
25 for File No. 16-46-04209.

1 DR. DEEM:

2 Second.

3 CHAIRPERSON ERHARD:

4 Any questions?

5

6 Roll Call.

7

8 Brickley-Raab, aye; Groody, aye; Seid,
9 aye; Casey, aye; Deem, aye; DeFinnis,
10 aye; Zehring, aye; Fowler, aye; and
11 Erhard, aye.

12 [The motion carried unanimously.]

13 MR. MALONEY:

14 The Respondent's name is John Frederick
15 Fisch, D.D.S., for the one that was
16 accepted, and for the other one, we'll
17 continue to practice of not naming the
18 ones that are rejected.

19 ***

20 MS. GROODY:

21 I move to approve the Settlement
22 Agreement and draft Adjudication and
23 Order and direct Board Counsel to
24 prepare the Board's final orders for
25 File No. 12-46-00054 and File No. 15-46-

1 07517 for Donald Joseph Dinello, D.M.D.

2 MS. BRICKLEY-RAAB:

3 Second.

4 MR. MALONEY:

5 Before we go in to that, can I just see
6 if we can adjust the motion to direct
7 Board Counsel to issue the orders?

8 MS. GROODY:

9 Not to prepare the orders?

10 MR. MALONEY:

11 Right.

12 MS. GOODY:

13 To issue the orders. Thank you.

14 MS. BRICKLEY-RAAB:

15 Second.

16 CHAIRPERSON ERHARD:

17 Any questions?

18

19 Roll Call.

20

21 Brickley-Raab, aye; Groody, aye; Seid,
22 aye; Casey, aye; Deem, no; DeFinnis,
23 aye; Zehring, recused; Fowler, aye; and
24 Erhard, aye.

25 [The motion carried. Lisa P. Deem opposed the motion.

1 I move to accept the application for the
2 license to practice dentistry for Barry
3 A. Enterline.

4 MS. FOWLER:

5 Second.

6 CHAIRPERSON ERHARD:

7 Any questions?

8

9 Roll Call.

10

11 Brickley-Raab, aye; Groody, aye; Seid,
12 aye; Casey, aye; Deem, aye; DeFinnis,
13 aye; Zehring, aye; Fowler, aye; and
14 Erhard, aye.

15 [The motion carried unanimously.]

16

17 DR. DEFINNIS:

18 I move to provisionally deny the
19 application of Jeffrey T. Rothstein for
20 a license to practice dentistry in
21 Pennsylvania.

22 MS. BRICKLEY-RAAB:

23 Second.

24 CHAIRPERSON ERHARD:

25 Any questions?

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

Roll Call.

Brickley-Raab, aye; Groody, aye; Seid,
aye; Casey, aye; Deem, aye; DeFinnis,
aye; Zehring, aye; Fowler, aye; and
Erhard, aye.

[The motion carried unanimously.]

MS. FOWLER:

I move to provisionally deny the
application for postgraduate training
for Mohammed A. BinDakhil.

MS. BRICKLEY-RAAB:

Second.

CHAIRPERSON ERHARD:

Any questions?

Roll Call.

Brickley-Raab, aye; Groody, aye; Seid,
aye; Casey, aye; Deem, aye; DeFinnis,
aye; Zehring, aye; Fowler, aye; and
Erhard, aye.

[The motion carried unanimously.]

1 ***

2 MS. ZEHRING:

3 I move to provisionally deny the
4 application of postgraduate training for
5 Duygu Ilhan.

6 DR. DEEM:

7 Second.

8 CHAIRPERSON ERHARD:

9 Any questions?

10

11 Roll Call.

12

13 Brickley-Raab, aye; Groody, aye; Seid,
14 aye; Casey, aye; Deem, aye; DeFinnis,
15 no; Zehring, aye; Fowler, aye; and
16 Erhard, aye.

17 [The motion carried. John E. DeFinnis opposed the
18 motion.]

19 ***

20 Adjournment

21 CHAIRPERSON ERHARD:

22 Thank you very much. Have safe trips
23 back. Enjoy Memorial Day weekend.

24 ***

25 [The next meeting is July 28, 2017.]

[The meeting adjourned at 1:24 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.

Corey Elizabeth Summers

Corey Elizabeth Summers,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF DENTISTRY
REFERENCE INDEX
May 19, 2017

| | TIME | AGENDA |
|----|-------|----------------------------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | 9:02 | Official Call to Order |
| 8 | | |
| 9 | 9:05 | Approval of Minutes |
| 10 | | |
| 11 | 9:06 | Report of Prosecutorial Division |
| 12 | | |
| 13 | 9:22 | Report of Board Counsel |
| 14 | | |
| 15 | 10:14 | Report of Board Chairperson |
| 16 | | |
| 17 | 10:40 | Report of Committees |
| 18 | | |
| 19 | 10:31 | Report of Board Administrator |
| 20 | | |
| 21 | 11:06 | Executive Session |
| 22 | 1:15 | Return to Open Session |
| 23 | | |
| 24 | 1:16 | Motions |
| 25 | | |
| 26 | 1:24 | Adjournment |
| 27 | | |
| 28 | | |
| 29 | | |
| 30 | | |
| 31 | | |
| 32 | | |
| 33 | | |
| 34 | | |
| 35 | | |
| 36 | | |
| 37 | | |
| 38 | | |
| 39 | | |
| 40 | | |
| 41 | | |
| 42 | | |
| 43 | | |
| 44 | | |
| 45 | | |
| 46 | | |
| 47 | | |
| 48 | | |
| 49 | | |
| 50 | | |