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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: 9:04 A.M.

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

July 19, 2019

State Board of Dentistry
July 19, 2019

BOARD MEMBERS:

John F. Erhard III, D.D.S., Chairperson
Kalonji Johnson, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Shawn M. Casey, D.M.D.
Barbara (Bonnie) L. Fowler, Public Member
Godfrey Joel Funari, M.S., D.M.D.
Theresa A. Groody, EFDA
Alice Hart Hughes, Esquire, Secretary, Public Member
Joel S. Jaspan, D.D.S.
R. Ivan Lugo, D.M.D.
Andrew S. Matta, D.M.D.
LaJuan M. Mountain, D.M.D.
Donna L. Murray, R.D.H.
Arlene G. Seid, M.D., M.P.H., Medical Director of
Quality Assurance, on behalf of Rachel Levine, M.D.,
Physician General/Secretary of Health
Amber Sizemore, Esquire, Attorney General Designee
Jennifer Unis Sullivan, D.M.D., J.D.

BUREAU PERSONNEL:

Dana M. Wucinski, Esquire, Board Counsel
Paul J. Jarabeck, Esquire, Board Prosecution Liaison
Dean F. Picarella, Esquire, Senior Counsel
Codi M. Tucker, Esquire, Board Prosecutor
Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution
Division
Lisa M. Burns, Board Administrator

State Board of Dentistry

July 19, 2019

ALSO PRESENT:

Barbara Reiprich, RDH, PHDHP
Carolyn Wahl, BSHD, Government Relations Chair,
Pennsylvania Dental Hygienists' Association
Morgan Plant, Government Relations Consultant,
Pennsylvania Dental Hygienists' Association
Steve Neidlinger, CAE, Executive Director,
Pennsylvania Academy of General Dentistry
Adam Rich, Dental Director, Avesis
Elie-Georges Noujain, Ph.D., Assistant Professor,
Kornberg School of Dentistry
Miki Yamaguchi
Sharon Langan, RDH, PHDHP
Dawn Holtmaster, RDH, PHDHP
Rhonda Baldwin Goodchild, RDH, PHDHP, EFDA
Christina Iannessa, D.M.D.
Donna L. Iannone, D.M.D.
Joan Burke, CDA, EFDA, Pennsylvania Dental Assistant
Association
Lance Miller, D.M.D.
Scott Hudimac, D.D.S., MAGD, President, Pennsylvania
Academy of General Dentistry
Kathleen Bumpers, Pennsylvania Dental Association
Andrew C. Harvan, Esquire, Pennsylvania Medical
Society

1 ***

2 State Board of Dentistry

3 July 19, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Dentistry was held on Friday, July 19, 2019.
7 John F. Erhard III, D.D.S., Chairperson, called the
8 meeting to order at 9:04 a.m.

9 K. Kalonji Johnson, Acting Commissioner of
10 Professional and Occupational Affairs, was not present
11 at the commencement of the meeting. A quorum was
12 noted to be present.

13 ***

14 Alternate Evacuation Exit

15 [Chairperson Erhard provided Board members and the
16 audience directions to an alternate exit for emergency
17 evacuations.]

18 ***

19 Introduction of Board and Audience

20 [Chairperson Erhard requested the introduction of
21 Board and audience members.]

22 ***

23 Approval of minutes of the May 17, 2019 meeting

24 CHAIRPERSON ERHARD:

25 The next item on the agenda is approval

1 of the minutes.

2 Are there any additions or
3 corrections to the minutes as presented?

4 [The Board discussed corrections to the minutes.]

5 CHAIRPERSON ERHARD:

6 Any others? All in favor of approving
7 the minutes as amended, signify by
8 saying aye. Opposed, same sign.
9 Abstentions?

10 [The motion carried. Dr. Matta abstained from voting
11 on the motion.]

12 ***

13 Report of Prosecutorial Division

14 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,
15 introduced Elie-Georges Noujain, Ph.D., Assistant
16 Professor, Kornberg School of Dentistry at Temple
17 University to the Board.

18 Dr. Noujain commented on the privilege to have
19 Mr. Jarabeck lecture to students concerning the
20 activities of the Board and the relationship of the
21 Board to his office. He offered his assistance
22 pertaining to ethic matters.

23 Mr. Jarabeck noted his ongoing relationship for
24 the past two years and expressed his continuing
25 interest to speak to the dental class.]

1 ***

2 [Paul J. Jarabeck, Esquire, on behalf of Kimberly A.
3 Adams, presented the Consent Agreement for File No.
4 18-46-02174.]

5 ***

6 [Alice Hart Hughes, Esquire, Public Member, and Andrew
7 S. Matta D.M.D., exited the meeting at 9:15 a.m. for
8 recusal purposes.]

9 ***

10 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,
11 presented the Consent Agreement for File No. 17-46-
12 04107.]

13 ***

14 [Alice Hart Hughes, Esquire, Public Member, and Andrew
15 S. Matta D.M.D., reentered the meeting at 9:17 a.m.]

16 ***

17 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,
18 presented the VRP Consent Agreement for File No. 19-
19 46-004935.]

20 ***

21 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,
22 on behalf of Julia A. Caralle, Esquire, presented the
23 Consent Agreement for File No. 16-46-13323.]

24 ***

25 [Chairperson Erhard thanked Mr. Jarabeck for

1 presenting at Temple University, noting the importance
2 of students understanding the role of the State Board
3 of Dentistry and following the principles as taught in
4 dental school.]

5

6 [Codi M. Tucker, Esquire, Board Prosecutor, presented
7 the Consent Agreement for File No. 17-46-11889.]

8

9 Appointment - Carolyn A. DeLaurentis, Esquire, Deputy
10 Chief Counsel

11 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
12 Counsel, Prosecution Division, introduced herself and
13 provided a brief summary of her professional
14 background.

15 Ms. DeLaurentis reviewed information for the
16 Pennsylvania State Board of Dentistry for
17 FY 2018-2019, noting that 442 cases were opened with
18 446 open files as of July 1, 2019. She also provided
19 information regarding enforcement statistics.

20 Ms. DeLaurentis noted 69 immediate temporary
21 suspensions, in general, for the prosecution division
22 in FY 2018-2019 with 11,359 open cases as of July 1,
23 2019. She reviewed the last fiscal year, noting that
24 14,030 cases were opened, which was up from 12,604 the
25 last fiscal year. She noted that 13,270 cases were

1 closed the last fiscal year.

2 Ms. DeLaurentis discussed the Office of General
3 Counsel's Mediation Program, which is free of charge.
4 She stated the consent agreements will reflect whether
5 the case was resolved through mediation.

6 Ms. DeLaurentis addressed the Pennsylvania
7 Justice Network (JNET), where the prosecution division
8 receives an alert when licensees from all of the
9 Boards and Commissions are charged with a crime.

10 Dr. Lugo commented that, being in the leadership
11 role and following the events of the morning, the
12 communication between the law and ethics curriculum is
13 a matter for the institutions. It is a powerful
14 impactful touchpoint where individuals at an early
15 point can understand the repercussions of not
16 following ethics and laws. He commended both the
17 professor and Paul Jarabeck for their service to the
18 profession and the people of Pennsylvania.

19 Dr. Funari requested a breakdown of discipline by
20 license type for the fiscal year.]

21

22 Report of Board Counsel

23 [Dana M. Wucinski, Esquire, Board Counsel, noted the
24 Board would discuss the Consent Agreements presented
25 along with agenda items 8 through 14 and 16 in

1 Executive Session.]

2

3 [K. Kalonji Johnson, Acting Commissioner, Bureau of
4 Professional and Occupational Affairs, entered the
5 meeting at 9:35 a.m.]

6

7 Report of Committees - Regulations/Legislative Review
8 Committee

9 [R. Ivan Lugo, D.M.D., provided a summary of the
10 Regulatory Committee's meeting on July 18, 2018. All
11 committee members were present, including Board
12 members and the Chair. The committee focused on the
13 proposal rulemaking comments and questions regarding
14 the public health dental hygiene practice sites.
15 There was a representation of the dental profession,
16 including written comments by professional
17 associations such as the Pennsylvania Dental
18 Association, the Pennsylvania Dental Hygienists'
19 Association, the Pennsylvania Society of Oral &
20 Maxillofacial Surgeons, as well as comments from the
21 public. Comments were also received from the
22 Independent Regulatory Review Commission, including
23 comments submitted by the House Professional Licensure
24 Committee. The committee was urged to consider mental
25 health establishments, birth centers, and satellite

1 locations under the Medical Board regulations and
2 provided guidance to counsel for the final language.
3 In addition, the supervisory work rules and the
4 standards to be established in collaboration with the
5 profession that would alleviate many of the Boards and
6 public comments were discussed.

7 The committee requests that certain provisions be
8 removed for further clarification and exploration to
9 ensure that the oral health and general wellness of
10 all Pennsylvanians are protected without creating a
11 two-tier system of comprehensive care and
12 accountability. The Chair thanked every member for
13 their participation in this critical matter and
14 requested two additional meetings for further
15 clarification of the language.

16 Counsel will explore the definitions of
17 residence. The Board will need to consider revising
18 the physician's office language in order to define the
19 relationship between PHDH practitioners and the
20 physicians when services are provided in a physician's
21 office. Ms. Wucinski reiterated the Committee's
22 discussion regarding the physician's office and home
23 care residence language. Dr. Seid referred to the
24 Health Care Facilities Act.

25 Ms. Wucinski will continue drafting the final

1 rulemaking. After a decision by the Board regarding
2 the residence, the final rulemaking would be put on
3 the agenda for a vote.

4 Dr. Sullivan noted discussion regarding the
5 requirements of a public health dental hygienist, that
6 is 3600 hours of time, which may need to be
7 supplemented with additional education. Ms. Wucinski
8 explained the scope of practice for dental hygienists
9 practicing in a residence could be changed in a
10 separate regulation. Chairperson Erhard discussed
11 changes based on training, qualifications, and
12 equipment that the Board may deem essential for the
13 normal scope of practice in these residences.

14 Dr. Lugo discussed clarifying the supervisory
15 role of a dentist in a situation where a patient is
16 mildly or more than mildly systemically compromised.
17 Dr. Seid agreed with drafting a separate regulation.

18 Ms. Wucinski will be addressing in the final
19 rulemaking all the comments received and any changes
20 as recommended by the Committee. Ms. Fowler noted the
21 Board's agreement to delete the home health residence
22 section. Ms. Wucinski referred to the section to be
23 deleted as (3)(iii) that states, for purposes of this
24 section, services provided by a health care facility
25 to patients in their places of residence or other

1 independent living environment are included as
2 acceptable practice locations for public health dental
3 hygiene practitioners. Ms. Wucinski reiterated that
4 the section would be deleted and then addressed in a
5 separate regulation.

6 Ms. Murray requested clarification regarding home
7 health agencies. Ms. Wucinski referred to hospice,
8 home health, and home care as home health agencies.
9 Dr. Seid stated the Health Care Facilities Act refers
10 to treatment provided in facilities.

11 Dr. Sullivan noted the purpose of this regulation
12 is to increase access and not interfere continuity of
13 dental care to people.

14 Chairperson Erhard requested a motion to remove
15 discussed section.]

16 DR. LUGO:

17 The committee recommends, for the full
18 Board, a proposal to remove the
19 statement as stated by counsel.

20 Can you restate that?

21 MS. WUCINSKI:

22 For the purposes of this section,
23 services provided in a health care
24 facility to patients in their places of
25 residence or other independent living

1 environment are included as acceptable
2 practice sites for public health dental
3 hygiene practitioners.

4 DR. JASPAN:

5 Second.

6 CHAIRPERSON ERHARD:

7 Discussion?

8 MS. HUGHES:

9 I'm confused as to what we are
10 withdrawing from. What you just read, I
11 thought we were withdrawing language
12 within the next subsection that says
13 including but not limited to and then
14 there is a list of facilities. I
15 thought we were withdrawing these
16 specific listed facilities; hospice,
17 home care agency. I forget the third
18 one. That is not what you just read. I
19 just want to be clear in the record what
20 it is that we are withdrawing. If I am
21 wrong, please correct me.

22 MS. WUCINSKI:

23 It's my understanding that it's the next
24 subsection after that, because I do not
25 know if hospice, it's just the in

1 residence, when they go into the
2 residence to provide care in a
3 residence. The concern was that they do
4 not have the proper training or
5 equipment for medically compromised
6 individuals that they would be seeing.

7
8 DR. SEID:

9 You could have hospice care in a nursing
10 home, for example, that would still be
11 covered.

12 MS. WUCINSKI:

13 Which is why we are not removing the
14 section above. We are just moving
15 subsection (3)(iii), which says in
16 residence.

17 CHAIRPERSON ERHARD:

18 Any other discussion on that? We have a
19 motion and a second.

20 DR. MATTA:

21 Just a clarification. Dr. Lugo, you
22 mentioned systemic. Is that something
23 that is for future consideration because
24 it would be my thought that anybody that
25 is in any of those listed facilities as

1 well as whether it is at a residence or
2 otherwise would automatically be
3 systemically compromised?

4 DR. LUGO:

5 That is a very good assumption. That is
6 why this bill needs a little work in
7 defining that because in the regulations
8 for the general dental hygienist that we
9 regularly supervise, that is stipulated
10 there from mildly systemic and the
11 requirements that exists for supervision
12 for that. This language does not
13 include that. It would lead me to think
14 that you can treat a patient out there
15 if you are unsupervised.

16 That is the language I think is
17 critical to include because even though
18 10 years ago this was published and Dr.
19 Reitz was Chair of the Board, stipulated
20 this as to the intent of the Board.
21 Now, that language is not clear and
22 seems to leave it open without
23 supervision.

24 DR. MATTA:

25 There seems to be a conflict with that.

1 DR. LUGO:

2 That is why, within this, at least we
3 could include or explore language that
4 does tie in the requirement for
5 supervision if you are doing invasive
6 care, treating a mouth of a systemically
7 compromised patient. I think it is
8 critical to avoid creating a two-tier
9 system in the state of Pennsylvania.

10 DR. MATTA:

11 For clarification, is that going to be
12 addressed in this regulation or the
13 future?

14 DR. LUGO:

15 I do not think this might address it
16 even though some of the standards can be
17 created around some of this. This
18 applies to any patient regardless of the
19 facility. It is the full assumption of
20 supervision for invasive care. It needs
21 to be addressed in this final
22 regulation; otherwise, it is
23 unacceptable to have a provider be
24 exempt from treating a systemically
25 compromised patient when the educational

1 level is not adequate for that level we
2 expect of somebody treating at the top
3 of the license.

4 DR. JASPAN:

5 My understanding is that the present
6 public health hygienists can practice
7 under general supervision in various
8 facilities, nursing homes and alike.
9 Those patients that they are already
10 seeing under the present regulations,
11 because they are in these kind of
12 facilities by definition a huge
13 percentage of them, would not meet the
14 classification we have in private
15 offices of ASA I and ASA II.

16 By expanding this to several other
17 locations, are we further jeopardizing
18 the public because they are already
19 doing this issues? To my knowledge, we
20 have not had any issues of any public
21 health hygienists having a medical
22 problem even though they have been
23 practicing in those facilities.

24 DR. SEID:

25 Are we planning to have a couple more

1 meetings about this?

2 DR. LUGO:

3 That is where that proposal is from.
4 It's from the committee. Obviously,
5 these are the intricacies of language
6 that need to be included and this is the
7 time to do it; otherwise, we are going
8 to be dealing with cases later on in the
9 future, clarifying even the minimal
10 language so there is guidance that we
11 can provide now.

12 This is the only time we can
13 provide guidance, not afterwards. This
14 will be very clear for the people what
15 the expectations are when you are
16 treating. This is a daily thing. This
17 will involve language based on insight
18 from clinical providers understanding
19 the necessity to protect the public.

20 We can have at least two more
21 standing committee meetings to address
22 this. We also have very good engagement
23 with the profession and good
24 communications at this point, so let's
25 take advantage of that and prepare some

1 self-language to provide to counsel for
2 final regulation before we vote.

3 MS. WUCINSKI:

4 I was just going to add that. If we
5 want to make that clarification, that
6 criteria applies to public health dental
7 hygienists, that would be adding
8 language. That would pull the
9 regulations back. It would have to be
10 something in a separate regulation to
11 clarify the whole scope of practice of
12 the public health dental hygienist,
13 which would be a separate regulation, if
14 you want to move this forward now.

15 DR. SEID:

16 I thought we were voting on just the
17 paragraph you read.

18 DR. LUGO:

19 So we are in the comment section, so
20 this is clarification for that. It just
21 means that this particular point would
22 probably have to be addressed in 2020 as
23 part of the committee.

24 DR. MATTA:

25 This particular section, I think it

1 automatically starts to create
2 discussion.

3 CHAIRPERSON ERHARD:

4 I believe there has been a proposal
5 made, and I think it is a good idea that
6 before the two next meetings that we
7 have a committee meeting similar to
8 yesterday. There are a number of issues
9 here, and there is some clarification
10 needed before we go forward. It is very
11 difficult to do it at this Board room at
12 this time.

13 If we have a committee meeting, we
14 could come forward with a report. It is
15 a lot easier, time consumption, etc. We
16 are down to the vote. It is just to
17 withdraw that one item from the
18 proposal.

19 I am starting to go around the
20 table and start with Dr. Matta. Are you
21 voting to remove the residence aspect
22 from the proposal?

23
24 Matta, aye; Sullivan, aye; Funari, aye;
25 Casey, aye; Jaspan, aye; Hughes, nay;

1 Sizemore, aye; Groody, aye; Seid,
2 abstain; Fowler, nay; Murray, nay;
3 Mountain, aye; Lugo, aye; Johnson,
4 abstain; Erhard, aye.

5 [The motion carried. Dr. Seid and Mr. Johnson
6 abstained from voting on the motion. Ms. Hughes,
7 Ms. Fowler, and Ms. Murray opposed the motion.]

8 ***

9 CHAIRPERSON ERHARD:

10 In a true sense of transparency, my
11 sidebar discussion with counsel was what
12 we are going to do with the office
13 location. Counsel is going to answer
14 questions that were posed and come back
15 to us with those answers so we do not
16 need to vote on that today.

17 MS. WUCINSKI:

18 That would be all part of the final
19 rulemaking that will be put on your next
20 agenda.

21 DR. SEID:

22 What question?

23 MS. WUCINSKI:

24 It is not really a question. It's all
25 the public comments that we discussed

1 yesterday at the committee meeting.
2 Everything has to be addressed. Every
3 comment that came in needs to be
4 addressed in the final rulemaking.

5 CHAIRPERSON ERHARD:

6 Can comments still be accepted by mail
7 or email?

8 MS. WUCINSKI:

9 They are still coming in. A lot of them
10 are form letters.

11 CHAIRPERSON ERHARD:

12 Just so the public understands that you
13 can still make comments through the same
14 apparatus that you used before.

15 MS. PLANT:

16 Am I correct in understanding that you
17 just voted to remove the entire section
18 3 and that the committee will continue
19 to consider standards?

20 CHAIRPERSON ERHARD:

21 I think what was removed was (3)(iii).

22 MS. WUCINSKI:

23 Under Health Care Facilities Section
24 (3)(iii).

25 MS. PLANT:

1 (3) (iii) is the part that has been
2 removed, which would include places of
3 residence, independent living
4 environments.

5 MS. PLANT:

6 What was the vote?

7 CHAIRPERSON ERHARD:

8 I think it was 10-3 and 2 abstentions.

9 ***

10 For the Board's Information/Discussion

11 [K. Kalonji Johnson, Acting Commissioner, stated Act
12 41 was signed into legislation on July 1, 2019, by
13 Governor Wolf. He reviewed the authority under the
14 act for the Boards and Commissions under the
15 Department of State to provide endorsement and issue a
16 provisional license to individuals who are actively
17 licensed and are seeking licensure within the
18 Commonwealth. The practical effects of this act would
19 be minimal for some Boards that have very robust
20 endorsement and reciprocal procedures. The act is
21 designed to promote workforce development and protect
22 the public.

23 Mr. Johnson stated the Bureau is developing the
24 Pennsylvania Licensing System (PALS) to be able to
25 provide for these provisional licenses. The act goes

1 into effect on August 29, 2019. One of the provisions
2 of the act is Boards shall each promulgate
3 regulations. This Board has 18 months to develop
4 regulations that will provide for the procedural
5 process.

6 Acting Commissioner Johnson noted an intended
7 goal of the legislation to provide for military
8 spouses. He referred to the provisional license as a
9 finite license that is designed to bridge the gap in
10 certain training requirements.

11 Acting Commissioner Johnson discussed the Board's
12 processing of applicants until the final rulemaking of
13 the Board is passed.]

14 ***

15 Report of Board Chairperson

16 [John F. Erhard III, D.D.S., Chairperson, discussed a
17 new recognized dental specialty, dental
18 anesthesiology, with approved training available by
19 the Commission of Dental Accreditation (CODA). He
20 also noted CODA-approved training for oral medicine,
21 which will also be recognized by the American Dental
22 Association (ADA) in the near future. That will bring
23 the amount of recognized dental specialties to 11 or
24 12.

25 Dr. Erhard addressed his participation, along

1 with Ms. Groody, Dr. Funari, and Dr. Casey, in MOM-n-
2 PA at Wilkes-Barre in June. He noted a review of the
3 access to care and developing pathways to solve the
4 problems. Dr. Erhard recommended that all consider
5 participating in the next clinic. He noted that the
6 chairman of the MOM-n-PA in Wilkes-Barre commented on
7 the Board's support of MOM-n-PA.

8 Chairman Erhard discussed a request for him to
9 represent Pennsylvania in Maryland at the American
10 Board of Dental Examiners (ADEX) in August. ADEX is
11 the organization that creates the licensure exam given
12 by two licensing agents, the Commission on Dental
13 Competency Assessments (CDCA) and the Council of
14 Interstate Testing Agencies (CITA). He is also part
15 of the Restorative Committee for that exam and
16 participates in a Steering Committee for CDCA. He
17 will bring any new information back to the Board.

18 Dr. Funari noted the next MOM-n-PA is at The
19 Liacouras Center on June 5-6, 2020, in Philadelphia,
20 PA.]

21

22 Report of Acting Commissioner - No Report

23

24 Report of Board Administrator - No Report

25

1 Report of Committees - Expanded Function Dental
2 Assistant Committee

3 [Theresa A. Groody, EFDA, questioned counsel on the
4 status of the EFDA Clinical Exam.]

5 ***

6 Licensure Committee - No Report

7 ***

8 Newsletter Committee

9 [John F. Erhard III, D.D.S., Chairperson, thanked Ms.
10 Fowler, noting that the format was terrific. He also
11 commended Ms. Hughes for her article, noting that it
12 should be read by every licensee certificate holder in
13 the state. It was very understandable for laypeople
14 as well as professionals.]

15 ***

16 Probable Cause Screening Committee

17 [Alice Hart Hughes, Esquire, Secretary, Public Member,
18 stated the Probable Cause Screening Committee met to
19 consider one matter earlier in the day. A matter was
20 also reviewed between the last meeting and today.]

21 ***

22 Scope of Practice Committee - No Report

23 ***

24 [John F. Erhard III, D.D.S., Chairperson, requested
25 Dr. Lugo to advertise to stakeholders.]

1 Dr. Lugo will consult with committee members.]

2 ***

3 For the Board's Information/Discussion (Continued)
4 [John F. Erhard III, D.D.S., Chairperson, addressed
5 correspondence from CDCA, searching for examiners who
6 are Board members. He discussed the request with Dr.
7 Jaspan. Dr. Erhard noted an orientation program at
8 the annual meeting, which will be in Nashville in
9 January. He urged members to consider participating.

10 Dr. Erhard stated the next meeting is September
11 13, 2019.

12 Dr. Lugo will get information through the Board
13 office for stakeholders and Board members.]

14 ***

15 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
16 10:22 a.m. the Board entered into Executive Session
17 with Dana M. Wucinski, Esquire, Board Counsel, for the
18 purpose of conducting quasi-judicial deliberations.
19 The Board returned to open session at 12:02 p.m.]

20 ***

21 [John F. Erhard III, D.D.S., Chairperson, directed
22 Board members to speak into the microphones as the
23 audience members had a difficult time hearing the
24 discussion during the meeting.]

25 ***

1 MOTIONS

2 DR. MATTA:

3 I move to accept the Consent Agreement
4 for File No. 18-46-02174.

5 MS. GROODY:

6 Second.

7 CHAIRPERSON ERHARD:

8 On the question?

9

10 Matta, aye; Sullivan, aye; Funari,
11 recuse; Casey, aye; Jaspán, aye; Hughes,
12 aye; Sizemore, aye; Groody, aye; Seid,
13 aye; Fowler, aye; Murray, aye; Mountain,
14 aye; Lugo, aye; and Erhard, aye.15 [The motion carried. Dr. Funari recused himself from
16 deliberations and voting on the motion. The name at
17 that case being Anthony Farole, D.M.D.]

18

19 DR. SULLIVAN:

20 I make a motion to accept the Consent
21 Agreement for File No. 17-46-04107.

22 DR. SEID:

23 Second.

24 CHAIRPERSON ERHARD:

25 On the question?

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

[The motion carried. Ms. Hughes, Dr. Erhard, and
Dr. Matta recused themselves from deliberations and
voting on the motion. The name at that case being
Kristine Probst Totsky, R.D.H.]

DR. FUNARI:

I move to accept the VRP Consent
Agreement for File No. 19-46-004935.

DR. LUGO:

Second.

CHAIRPERSON ERHARD:

On the question?

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

1 [The motion carried unanimously.]

2 ***

3 DR. CASEY:

4 I move to accept the Consent Agreement
5 for File No. 17-46-11889.

6 MS. GROODY:

7 Second.

8 CHAIRPERSON ERHARD:

9 On the question?

10

11 Matta, aye; Sullivan, aye; Funari, aye;
12 Casey, aye; Jaspán, aye; Hughes, aye;
13 Sizemore, aye; Groody, aye; Seid, aye;
14 Fowler, aye; Murray, aye; Mountain, aye;
15 Lugo, aye; and Erhard, aye.

16 [The motion carried unanimously. The name at that
17 case being Ping Cai, D.M.D., R.D.H.]

18 ***

19 DR. JASPAN:

20 I move to accept the Consent Agreement
21 for File No. 16-46-13323.

22 DR. LUGO:

23 Second.

24 CHAIRPERSON ERHARD:

25 On the question?

1

2

Matta, aye; Sullivan, aye; Funari, aye;

3

Casey, aye; Jaspan, aye; Hughes, aye;

4

Sizemore, aye; Groody, aye; Seid, aye;

5

Fowler, aye; Murray, aye; Mountain, aye;

6

Lugo, aye; and Erhard, aye.

7

[The motion carried unanimously. The name at that

8

case being Beatriz Delaroché, D.M.D.]

9

10 MS. HUGHES:

11

In the matter of Ayman Abusoud Jacobs,

12

D.M.D. at File No. 17-46-11888, I move

13

that Board counsel be directed to

14

prepare a final Adjudication and Order

15

in accordance with our discussions in

16

executive session.

17 DR. MATTA:

18

Second.

19 CHAIRPERSON ERHARD:

20

On the question?

21

22

Matta, aye; Sullivan, aye; Funari, aye;

23

Casey, aye; Jaspan, aye; Hughes, aye;

24

Sizemore, aye; Groody, aye; Seid, aye;

25

Fowler, aye; Murray, aye; Mountain, aye;

1 Lugo, aye; and Erhard, aye.

2 [The motion carried unanimously.]

3 ***

4 MS. GROODY:

5 I move that the Board adopt the hearing
6 examiner's Proposed Adjudication and
7 Order in the case of Jeffrey Alan Klink,
8 D.M.D. at File No. 16-46-06736 and
9 direct Board counsel to prepare the
10 Board's final order.

11 DR. SEID:

12 Second.

13 CHAIRPERSON ERHARD:

14 On the question?

15

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

22 [The motion carried. Dr. Sullivan and Ms. Sizemore
23 recused themselves from deliberations and voting on
24 the motion.]

25 ***

1 MS. SIZEMORE:

2 In the case of Joshua A. Robbins, D.D.S.
3 at File No. 17-46-04114, I move that
4 Board counsel be directed to draft an
5 Adjudication and Order consistent with
6 our discussions in executive session.

7 DR. SEID:

8 Second.

9 CHAIRPERSON ERHARD:

10 On the question?

11

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

17 [The motion carried unanimously.]

18

19 DR. SEID:

20 In the case of Gary Eugene Burkhart,
21 D.M.D. at File No. 17-46-03395, I move
22 that the Board adopt the draft
23 Adjudication and Order as final, with
24 changes, as discussed in executive
25 session.

1 DR. MATTA:

2 Second.

3 CHAIRPERSON ERHARD:

4 On the question?

5

6 Matta, aye; Sullivan, aye; Funari, aye;
7 Casey, aye; Jaspan, aye; Hughes, oppose;
8 Sizemore, aye; Groody, aye; Seid, aye;
9 Fowler, aye; Murray, aye; Mountain, aye;
10 Lugo, aye; and Erhard, aye.

11 [The motion carried. Ms. Hughes opposed the motion.]

12

13 MS. FOWLER:

14 I move that the Board adopt as final the
15 draft Adjudication and Order as
16 presented by Board counsel in the case
17 of Richard Martin Lubow, D.M.D. at File
18 No. 16-46-07260.

19 DR. MATTA:

20 Second.

21 CHAIRPERSON ERHARD:

22 On the question?

23

24 Matta, aye; Sullivan, aye; Funari, aye;
25 Casey, aye; Jaspan, aye; Hughes, aye;

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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.



Amber Garbinski,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF DENTISTRY
REFERENCE INDEX

July 19, 2019

TIME	AGENDA
9:04	Official Call to Order
9:05	Introduction of Board and Audience
9:07	Approval of Minutes
9:09	Report of Prosecutorial Division
9:23	Appointment - Carolyn A. DeLaurentis,
9:31	Deputy Chief Counsel, Prosecution Division Presentation
9:32	Report of Board Counsel
9:33	Report of Committees
10:01	For the Board's Information
10:13	Report of Board Chairperson
10:18	Report of Committees (Continued)
10:20	For the Board's Information (Continued)
10:22	Executive Session
12:02	Return to Open Session
12:02	Motions
12:13	Adjournment