

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 B
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

July 20, 2018

State Board of Dentistry
July 20, 2018

BOARD MEMBERS:

John F. Erhard III, D.D.S., Chairperson
Katelin Lambert, Director of Operations, on behalf
of Ian Harlow, Commissioner of Professional and
Occupational Affairs
Shawn M. Casey, D.M.D.
David J. Dattilo, D.D.S.
Barbara (Bonnie) L. Fowler, Public Member
Theresa A. Groody, EFDA - Absent
Alice Hart Hughes, Esquire, Public Member
R. Ivan Lugo, D.M.D. - Absent
Andrew S. Matta, D.M.D.
Arlene G. Seid, M.D., M.P.H., Department of Health
Amber Sizemore, Office of Attorney General
Donna L. Schoenecker, RDH
Jennifer Sullivan, D.M.D., JD

BUREAU PERSONNEL:

Peter D. Kovach, Esquire, Board Counsel
Paul J. Jarabeck, Esquire, Board Prosecution
Liaison
Andrea L. Costello, Esquire, Board Prosecutor
Julia A. Caralle, Esquire, Board Prosecutor
John D. Kelly, Esquire, Board Prosecutor
Lisa M. Burns, Board Administrator

ALSO PRESENT:

Marisa Swarney, Director of Government Relations,
PA Dental Association
Michael Kaner, Pennsylvania Academy of General
Dentistry
Steve Niedlinger, Pennsylvania Academy of General
Dentistry
Andrew Harvan, Pennsylvania Medical Society
Carolyn Wahl, Pennsylvania Dental Hygienists
Association, Government Relations Chair
Sharon Langan, dental hygienist

1 ***

2 State Board of Dentistry

3 July 20, 2018

4 ***

5 The regularly scheduled meeting of the State
6 Board of Dentistry was held on Friday, July 20, 2018.

7 John F. Erhard III, D.D.S., Chairperson, called the
8 meeting to order at 9:02 a.m.

9 ***

10 Introduction of Board and Audience Members

11 [Chairperson Erhard requested the introduction of
12 Board, staff, and audience members.

13 Chairperson recognized two new Board members,
14 Donna L. Schoenecker, RDH, and Amber Sizemore,
15 Esquire, Office of Attorney General.

16 Ms. Schoenecker and Ms. Sizemore provided a brief
17 summary of their professional backgrounds.]

18 ***

19 BEGIN VERBATIM REQUESTED.

20 CHAIRPERSON ERHARD:

21 Before we get any deeper into the
22 agenda, I have a couple of things I'd
23 like to mention. First of all, I'd like
24 to ask that my following remarks be
25 verbatim in the minutes. And actually I

1 would request that my remarks from the
2 last meeting regarding Dr. Deem and Dr.
3 DeFinnis also be entered verbatim into
4 the official minutes from the May
5 meeting.

6 Again, those who regularly attend our
7 Board meetings might notice of absence
8 of Rebecca Zehring and Mariellen
9 Brickley-Raab. Rebecca represented the
10 Attorney General's Office on this Board.
11 She has moved on and been replaced by
12 Amber Sizemore from the same office.
13 Mariellen's replacement is Donna L.
14 Schoenecker. And you've heard from both
15 of them this morning.

16 I would like to publicly thank both
17 Rebecca and Mariellen for their service
18 to this Board and ultimately to the
19 citizens of Pennsylvania.

20 Rebecca's time on this Board was
21 shorter than Mariellen's; however, it
22 was very busy and very productive.
23 Rebecca served with distinction on a
24 number of committees, most notably
25 Probable Cause, and brought a unique

1 point of view to all Board
2 deliberations.

3 Mariellen served two full terms on
4 the Board. She was Secretary for a
5 number of years and also very active as
6 Chair of the Licensure Committee.
7 Mariellen also represented the Board as
8 a CDCA examiner and an ADEX member.
9 Mariellen brought a vast knowledge of
10 issues regarding patient care to all of
11 our discussions, and her input was
12 always well received.

13 On behalf of the Board, I'd like to
14 extend our sincere thanks to both of
15 these individuals for their service.
16 The Board is a better place because of
17 them.

18 At this time, there is a proclamation
19 I'd like to ask the Board Secretary to
20 read.

21 MS. BURNS:

22 The State Board of Dentistry and the
23 Commonwealth of Pennsylvania extend
24 their gratitude to Mariellen Brickley-
25 Raab, RDH, for her contributions to the

1 State Board of Dentistry and the
2 citizens of this Commonwealth and
3 publicly recognize her commitment to the
4 highest standards of ethics, the
5 betterment of the dental profession, and
6 responsible acts as a public servant.

7 CHAIRPERSON ERHARD:

8 Thank you very much.

9 END VERBATIM REQUESTED.

10 ***

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

12 CHAIRPERSON ERHARD:

13 The item is the approval of the minutes
14 from our May meeting. Are there any
15 additions or corrections?

16 {The Board discussed corrections to the minutes.]

17 CHAIRPERSON ERHARD:

18 Can I have a motion to accept the
19 minutes as amended?

20 MS. HUGHES:

21 So moved.

22 CHAIRPERSON ERHARD:

23 Second?

24 DR. CASEY:

25 Second.

1 CHAIRPERSON ERHARD:

2 All in favor of accepting the minutes as
3 amended, and know there will be some
4 abstentions?

5 [The motion carried. Dr. Datillo, Ms. Fowler, and Dr.
6 Matta abstained from voting on the motion.]

7 ***

8 Report of Prosecutorial Division

9 [Andrea L. Costello, Esquire, Board Prosecutor,
10 presented the VRP Consent Agreements for File No. 18-
11 46-03743 and File No. 18-46-004430.]

12 ***

13 [Paul J. Jarabeck, Esquire, Board Prosecutor,
14 presented the Consent Agreements for File No. 15-46-
15 00977 and File No. 15-46-07717.]

16 ***

17 [John D. Kelly, Esquire, Board Prosecutor, presented
18 the Consent Agreements for File No. 14-46-12547, File
19 No. 17-46-04731, and File No. 17-46-06207.]

20 ***

21 [Ms. Hughes and Dr. Matta exited the meeting at 9:34
22 a.m. for recusal purposes.]

23 ***

24 [John D. Kelly, Esquire, Board Prosecutor, presented a
25 Consent Agreement for File No. 18-46-00271.]

1 ***

2 [Ms. Hughes and Dr. Matta re-entered the meeting at
3 9:34 a.m.]

4 ***

5 Report of Board Counsel

6 [Peter Kovach, Esquire, Board Counsel, noted Consent
7 Agreements, three Proposed Adjudications and Orders, a
8 Final Adjudication and Order, and one miscellaneous
9 item for Board deliberation during Executive Session.]

10 ***

11 Report of Board Chairperson

12 [John F. Erhard, III, D.D.S., Chairperson, noted the
13 Committee assignments for the Board's review. Ms.
14 Sizemore will replace Ms. Zehring on the Probable
15 Cause Committee.

16 Chairperson Erhard, Ms. Hughes, Dr. Lugo and Ms.
17 Groody represented the Board at the Mom-n-PA event
18 held in May in Reading, Pennsylvania. He encouraged
19 all to participate in the June 2019 Mom-n-PA event in
20 Wilkes-Barre/Scranton, Pennsylvania.

21 Chairperson Erhard requested Ms. Hughes speak
22 regarding her experience at the Mom-n-PA event. Ms.
23 Hughes described her overwhelming experience as an
24 escort through the various stations. She noted the
25 various ages of individuals, i.e., children, adults,

1 elderly, and disabled individuals, who were served at
2 the event. The thanks for the services provided was
3 very humbling. Ms. Hughes encouraged the Board to
4 fully support this event in the future.]

5 ***

6 [Dr. Matta exited the meeting at 9:39 a.m.]

7 ***

8 [Dr. Erhard stated the licensure examination situation
9 should be discussed during the Committee reports. He
10 suggested an article be placed in the newsletter
11 regarding the release of patient records.]

12 ***

13 [Dr. Matta re-entered the meeting at 9:40 a.m.]

14 ***

15 Report of Commissioner/Deputy Commissioner

16 [Katelin Lambert, Director of Operations, on behalf of
17 Ian J. Harlow, Commissioner of the Bureau of
18 Professional and Occupational Affairs, updated the
19 Board on the Executive Order 2017-03. Commissioner
20 Harlow issued his report to Governor Wolf. Governor
21 Wolf has called for several reforms to remove barriers
22 to licensure, as well as legislation to repeal the
23 automatic 10-year drug crime ban. She encouraged the
24 Board to review the report available on the website.

25 Ms. Lambert also updated the Board on the PALS

1 licensing system. Paper applications for initial
2 licensure will no longer be accepted. She reviewed
3 the PALS technical support option for assistance with
4 the system.

5 Security issues were noted regarding the new
6 system. Ms. Lambert stated a new system will soon be
7 offered for the EAgenda.]

8 ***

9 Report of Board Administrator - No Report

10 ***

11 Report of Committees

12 Expanded Function Dental Assistant Committee - No
13 Report

14 ***

15 Licensure Committee

16 [There was discussion related to conducting a public
17 meeting regarding the continuing education
18 requirements and licensure.

19 Mr. Kovach advised the Board as to proper
20 procedures for conducting Committee meetings.]

21 ***

22 Newsletter Committee

23 [Ms. Fowler will proceed with drafting the newsletter
24 for the Board's fall edition. She requested articles
25 on the role of the State Board of Dentistry and

1 prescribing guidelines, as well as Biographies on the
2 new Board members, for the newsletter.]

3 ***

4 Probable Cause Screening Committee - No Report

5 ***

6 Regulations/Legislative Review Committee - No Report

7 ***

8 Scope of Practice Committee - No Report

9 ***

10 For the Board's Information/Discussion

11 Regional Clinical Examinations

12 [John F. Erhard, III, D.D.S., Chairperson, noted the
13 testimony presented at the last meeting regarding
14 examination for licensure. He discussed establishing
15 a policy related to the acceptance of examinations for
16 licensure. Dr. Erhard noted the testing requirements
17 of the following examination agencies: Commission on
18 Dental Competency Assessments (CDCA) ADEX; Council of
19 Interstate Testing Service, Inc., (CITA); Central
20 Regional Dental Testing Service (CRDTS); Southern
21 Regional Testing Agency (SRTA); and Western Regional
22 Examining Board (WREB). He specifically reviewed the
23 WREB examination and encouraged the Board to not
24 recognize this agency.]

25 DR. DATILLO:

1 I move that the Board approve the ADEX
2 exam as the exam that legally licenses
3 the dentists of Pennsylvania.

4 CHAIRPERSON ERHARD:

5 Second?

6 MS. HUGHES:

7 Second.

8 CHAIRPERSON ERHARD:

9 On the question. Is there further
10 discussion?

11 [The Board further discussed the motion.]

12 DR. DATILLO:

13 The motion is amended to approve the
14 beginning of the regulatory process to
15 make the ADEX exam the exam for dentists
16 and dental hygienists in the
17 Commonwealth of Pennsylvania.

18 CHAIRPERSON ERHARD:

19 Do we have a second for the amended
20 motion?

21 DR. MATTA:

22 Second.

23 CHAIRPERSON ERHARD:

24 Is there any further discussion?
25

1 Casey, aye; Schoenecker, aye; Hughes,
2 aye; Dattilo, aye; Fowler, aye;
3 Sullivan, aye; Seid, aye as long as it
4 prospectus; Sizemore, aye; Matta, aye;
5 and Erhard, aye.

6 [The motion carried unanimously.]

7 ***

8 Election of Officer - Board Secretary

9 CHAIRPERSON ERHARD:

10 The next item on the agenda is the
11 Election of an Officer. As you know,
12 Mariellen Brickley-Raab was Board
13 Secretary, and she is no longer with us.
14 So we need to open the floor for
15 nominations for Board Secretary. And I
16 would like to take the initiative and
17 nominate Attorney Alice Hughes. She is
18 the longest standing member other than
19 myself on the Board. She brings a lot
20 to the table. She has an independent
21 point of view, and I think she would do
22 very well in this position.

23 Are there any other nominations?
24 With that, I close the nominations. All
25 in favor of Attorney Alice Hughes

1 becoming Board Secretary, respond by
2 saying aye. Opposed, same sign.
3 Congratulations, Alice.

4 [The motion carried unanimously.]

5 ***

6 [Chairperson Erhard noted the Dental Board meeting
7 dates and the Recusal Guidelines for review.]

8 ***

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

10 ***

11 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
12 10:25 a.m. the Board entered into Executive Session
13 with Peter Kovach, Esquire, Board Counsel, for the
14 purpose of conducting quasi-judicial deliberations and
15 to receive the advice of Counsel. The Board returned
16 to open session at 11:39 a.m.]

17 ***

18 MOTIONS

19 CHAIRPERSON ERHARD:

20 We are back from Executive Session

21 DR. DATTILLO:

22 I'd move to accept the VRP Consent
23 Agreements for File No. 18-46-03743 and
24 File No. 18-46-004430.

25 MS. HUGHES:

1 Second.

2 CHAIRPERSON ERHARD:

3 On the question.

4

5 Hughes, aye; Schoenecker, aye; Casey,
6 aye; Matta, aye; Sizemore, aye; Seid,
7 aye; Sullivan, aye; Fowler, aye; Dattilo,
8 aye; Matta, aye; and Erhard, aye.

9 [The motion carried unanimously.]

10 ***

11 MS. FOWLER:

12 I move to accept the Consent Agreement
13 for File No. 15-46-00977.

14 MS. HUGHES:

15 Second.

16 CHAIRPERSON ERHARD:

17 On the question?

18

19 Hughes, aye; Schoenecker, aye; Casey,
20 aye; Matta, aye; Sizemore, aye; Seid,
21 aye; Sullivan, aye; Fowler, aye; Dattilo,
22 aye; Matta, aye; and Erhard, aye.

23 [The motion carried unanimously. The Respondent's
24 name is Charles M. Burzynski, DDS.]

25 ***

1 DR. SULLIVAN:

2 I move to accept the Consent Agreement
3 for File No. 15-46-07717.

4 DR. SEID:

5 Second.

6 CHAIRPERSON ERHARD:

7 On the question?

8

9 Hughes, aye; Schoenecker, aye; Casey,
10 aye; Matta, aye; Sizemore, aye; Seid,
11 aye; Sullivan, aye; Fowler, aye; Dattilo,
12 aye; Matta, aye; and Erhard, aye.

13 [The motion carried unanimously. The Respondent's
14 name is Khosrow Azizi, DMD.]

15 ***

16 DR. SEID:

17 I move to accept the Consent Agreement
18 for File No. 14-46-12547.

19 MS. SIZEMORE:

20 Second.

21 CHAIRPERSON ERHARD:

22 On the question?

23

24 Hughes, aye; Schoenecker, aye; Casey,
25 aye; Matta, aye; Sizemore, aye; Seid,

1 Second.

2 CHAIRPERSON ERHARD:

3 On the question?

4

5 Hughes, aye; Schoenecker, aye; Casey,
6 aye; Matta, aye; Sizemore, aye; Seid,
7 aye; Sullivan, aye; Fowler, aye; Dattilo,
8 aye; Matta, aye; and Erhard, aye.

9 [The motion carried unanimously. The Respondent's
10 name is John Santo.]

11 ***

12 DR. CASEY:

13 I move to accept the Consent Agreement
14 for File No. 18-46-00271.

15 DR. SEID:

16 Second.

17 CHAIRPERSON ERHARD:

18 On the question?

19

20 Hughes, recused; Schoenecker, aye; Casey,
21 aye; Sizemore, aye; Seid, aye; Sullivan,
22 aye; Fowler, aye; Dattilo, aye; Matta,
23 recused; and Erhard, aye.

24 [The motion carried. Ms. Hughes and Dr. Matta recused
25 from deliberations and voting on the motion. The

1 Respondent's name is Susan A. Fox, DMD.]

2 ***

3 MS. SCHOENECKER:

4 I move to adopt the Hearing Examiner's
5 proposed Adjudication and Order in the
6 case of Ramon Luis Perez, DMD, File No.
7 18-46-00708.

8 MS. HUGHES:

9 Second.

10 CHAIRPERSON ERHARD:

11 On the question?

12

13 Hughes, aye; Schoenecker, aye; Casey,
14 aye; Matta, aye; Sizemore, aye; Seid,
15 aye; Sullivan, aye; Fowler, aye; Dattilo,
16 aye; Matta, aye; and Erhard, aye.

17 [The motion carried unanimously.]

18 ***

19 MS. HUGHES:

20 I move to adopt the Hearing Examiner's
21 proposed Adjudication and Order in the
22 case of Jon L. Richter, DMD, File No. 18-
23 46-00863, and direct Board Counsel to
24 prepare the Board's final order.

25 DR. SEID:

1 Second.

2 CHAIRPERSON ERHARD:

3 On the question?

4

5 Hughes, aye; Schoenecker, aye; Casey,
6 aye; Matta, aye; Sizemore, aye; Seid,
7 aye; Sullivan, aye; Fowler, aye; Dattilo,
8 aye; Matta, aye; and Erhard, aye.

9 [The motion carried unanimously.]

10

11 DR. DATILLO:

12 I move that the Board adopt the Hearing
13 Examiner's propose Adjudication and Order
14 in the case of Burton F. Tucker, DDS,
15 File No. 13-46-08043, and direct Board
16 Counsel to prepare the Board's final
17 order.

18 MS. HUGHES:

19 Second.

20 CHAIRPERSON ERHARD:

21 On the question?

22

23 Hughes, aye; Schoenecker, aye; Casey,
24 aye; Matta, aye; Sizemore, aye; Seid,
25 aye; Sullivan, aye; Fowler, aye; Dattilo,

1 aye; Matta, aye; and Erhard, aye.

2 [The motion carried unanimously.]

3 ***

4 MS. FOWLER:

5 I move to adopt the Adjudication and
6 Order as presented by Board Counsel in
7 the case of Andrew Paul Kuzma, DMD, File
8 No. 15-46-05351.

9 MS. HUGHES:

10 Second.

11 CHAIRPERSON ERHARD:

12 On the question?

13

14 Hughes, aye; Schoenecker, aye; Casey,
15 recused; Matta, aye; Sizemore, aye; Seid,
16 abstained; Sullivan, aye; Fowler, aye;
17 Dattilo, aye; Matta, aye; and Erhard,
18 aye.

19 [The motion carried. Dr. Seid abstained. Dr. Casey
20 recused from deliberations and voting on the motion.]

21 ***

22 MR. KOVACH:

23 The final matter is number 14 on the
24 agenda, Commonwealth of Pennsylvania,
25 Bureau of Professional and Occupational

1 Affairs vs. Carl Lee McGloster, DDS, File
2 No. 16-46-1110, which is currently on
3 appeal to the Commonwealth Court. And
4 based on the Board's discussions in
5 Executive Session, I believe that the
6 Board Chair would accept a motion
7 directing Board Counsel to complete any
8 necessary documentation and arrange for
9 the signing of any necessary agreements
10 to resolve the terms of that matter for
11 resolution at the Commonwealth Court
12 Appeal.

13 DR. SEID:

14 I so move.

15 MS. HUGHES:

16 Second.

17 CHAIRPERSON ERHARD:

18 On the question?

19
20 Hughes, aye; Schoenecker, aye; Casey,
21 aye; Matta, aye; Sizemore, aye; Seid,
22 aye; Sullivan, aye; Fowler, aye; Dattilo,
23 aye; Matta, aye; and Erhard, aye.

24 [The motion carried unanimously.]

25 ***

1 DR. SULLIVAN:

2 I make a motion to provisionally deny the
3 Application for Licensure of Dr. Chukwuka
4 Okafor.

5 MS. HUGHES:

6 Second.

7 CHAIRPERSON ERHARD:

8 On the question?

9

10 Hughes, aye; Schoenecker, aye; Casey,
11 aye; Matta, aye; Sizemore, aye; Seid,
12 aye; Sullivan, aye; Fowler, aye; Dattilo,
13 aye; Matta, aye; and Erhard, aye.

14 [The motion carried unanimously.]

15 ***

16 [Chairperson Erhard reminded Board members that the
17 next meeting will be held on September 14, 2018.]

18 ***

19 [There being no further business, the State Board of
20 Dentistry meeting adjourned at 11:47 p.m.]

21 ***

22

23

24

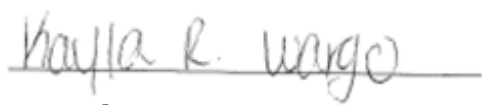
25

26

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
26

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.



Kayla Wargo
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF DENTISTRY
REFERENCE INDEX
July 20, 2018

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7	9:02	Official Call to Order
8		
9	9:03	Introduction of Board members
10		
11	9:10	Approval of Minutes
12		
13	9:11	Report of Prosecutorial Division
14		
15	9:35	Report of Board Counsel
16		
17	9:36	Report of Board Chairperson
18		
19	9:41	Report of Commissioner/Deputy
20		Commissioner
21		
22	9:47	Report of Committees
23		
24	10:00	For the Board's Information/Discussion
25		
26	10:10	Recess
27	10:25	Executive Session
28	11:39	Return to Open Session
29		
30	11:39	Motions
31		
32	11:47	Adjournment
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		