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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: 10:13 A.M.

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

September 13, 2019

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State Board of Dentistry
September 13, 2019

BOARD MEMBERS:

- John F. Erhard III, D.D.S., Chairperson
- K. 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 - Absent
- 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, Office of Attorney General
- Jennifer Unis Sullivan, D.M.D., J.D.

BUREAU PERSONNEL:

- Dana M. Wucinski, Esquire, Board Counsel
- Paul J. Jarabeck, Esquire, Board Prosecution Liaison
- Christopher K. McNally, Esquire, Board Prosecutor
- Kimberly A. Adams, Esquire, Board Prosecutor
- Andrew LaFratte, MPA, Department of State
- Lisa M. Burns, Board Administrator

State Board of Dentistry
September 13, 2019

ALSO PRESENT:

Morgan Plant, Government Relations Consultant,
Pennsylvania Dental Hygienists' Association
Carolyn Wahl, BSHD, Government Relations Chair,
Pennsylvania Dental Hygienists' Association
Bernie Dishler, D.D.S., Pennsylvania Dental
Association
Marisa Swarney, Director, Government Relations,
Pennsylvania Dental Association
Barbara Reiprich, RDH, PHDHP, Pennsylvania Dental
Hygienists' Association
Helen Hawkey, Executive Director, Pennsylvania
Coalition for Oral Health
Steve Neidlinger, CAE, Executive Director,
Pennsylvania Academy of General Dentistry
Brandon R. Conrad, Esquire, Saxton & Stump
Angela M. Stout, D.M.D., M.P.H., Pennsylvania Academy
of Pediatric Dentistry
Christina Iannessa, D.M.D., Pennsylvania Academy of
Pediatric Dentistry
Andrew C. Harvan, Esquire, Pennsylvania Medical
Society
Joan Burke, CDA, EFDA, Pennsylvania Dental Assistant
Association
Sharon Langan, RDH, PHDHP, Fortis Institute
Charles Hartwell, Esquire, Dethlefs-Pykosh Law Group
Edward Karas, DMD, Pennsylvania Society of Oral
& Maxillofacial Surgeons

1 ***

2 State Board of Dentistry

3 September 13, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Dentistry was held on Friday, September 13,
7 2019. John F. Erhard III, D.D.S., Chairman, called
8 the meeting to order at 10:13 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 Introduction of Board and Audience

15 [Chairman Erhard requested the introduction of Board
16 and audience members. He also requested Board members
17 use their microphones.]

18 ***

19 Introduction of Board and Audience

20 [Chairman Erhard asked for a remembrance of the
21 victims of Hurricane Dorian in the states,
22 particularly the residents of the Bahamas, and wished
23 them the best.]

24 ***

25 [Chairman Erhard thanked everyone who participated and

1 attended the earlier committee meeting and also
2 thanked those attending the Board meeting. He noted
3 the comments were informative and appreciated.

4 Chairman Erhard also thanked each Board member
5 for their service to the citizens of Pennsylvania, as
6 well as Ms. Burns, Ms. Wucinski, and Mr. Jarabeck for
7 their support.]

8 ***

9 Approval of Minutes of the July 19, 2019 meeting

10 CHAIRMAN ERHARD:

11 Let's begin with approval of the minutes
12 from the last meeting.

13 Are there any additions or
14 corrections?

15 [The Board discussed corrections to the minutes.]

16 CHAIRMAN ERHARD:

17 Any others? All in favor of accepting
18 the minutes as amended, signify by
19 saying aye. Opposed, same sign. Any
20 abstentions?

21 [The motion carried unanimously.]

22 ***

23 Report of Prosecutorial Division

24 [Kimberly A. Adams, presented the Consent Agreement
25 for Case No. 16-46-12280 and Case No. 19-46-000170.]

1 Brandon R. Conrad, Esquire, Saxton & Stump,
2 Counsel for the Respondents, was present and
3 participated in the discussion.]

4

5 [Ms. Adams presented the Consent Agreement for File
6 Nos. 16-46-14708 & 17-46-00115.]

7

8 [Paul J. Jarabeck, Esquire, Board Prosecution Liaison,
9 presented the Consent Agreements for File No. 16-46-
10 13163 and File No. 17-46-013076.]

11

12 [Christopher K. McNally, Esquire, Board Prosecutor,
13 presented the Consent Agreement for File No. 17-46-
14 12405.]

15

16 Report of Board Counsel

17 [Dana M. Wucinski, Esquire, Board Counsel, noted that
18 the Board will be discussing the Consent Agreements
19 presented along with agenda items 9 through 20 and 22
20 through 25 in Executive Session.

21 Ms. Wucinski referred to 16A-4633 regarding
22 Public Health Dental Hygiene Practitioner (PHDHP)
23 Practice Sites. She noted the final annex is included
24 on the agenda with the changes discussed and voted on
25 at the last meeting. She referred to [(3)](3)(i)

1 health care facilities as defined in section 802.1 of
2 the Health Care Facilities Act. She noted
3 [(3)](3)(ii) added language, "By way of example, a
4 health care facility includes." She noted the
5 deletion of "but is not limited to." She noted the
6 addition of "birth center" to [(3)](3)(ii)(A). She
7 commented that [(3)](3)(ii)(B) was broken up and put
8 into a new subsection at the request of the
9 Independent Regulatory Review Commission (IRRC), with
10 the addition of any other facilities licensed and
11 regulated by the Department of Health or a successor
12 agency. She noted the removal of [(3)](3)(iii)
13 regarding in-home care. She stated the committee met
14 earlier in the day to discuss addressing the matter in
15 a later regulation. The language was removed from
16 this regulation to keep this regulation moving
17 forward.

18 Ms. Wucinski referred to [(4)](4)(ii) and noted
19 the removal of "but is not limited to" and broken into
20 sections (A) and (B).

21 Ms. Wucinski referred to (11), stating that IRRC
22 recommended to include cross references to the Medical
23 Practice Act and the Osteopathic Medical Practice Act.
24 She mentioned prior discussion at the last committee
25 meeting and last regular meeting as to whether

1 satellite locations of doctors' offices and clinics
2 would be included as an office or clinic of a
3 physician. The Board decided to include the satellite
4 locations, so the language was added, "Including
5 satellite locations as defined in 49 Pa. Code
6 § 18.122," which is where satellite locations are
7 defined in the Medical Act.

8 Ms. Wucinski noted that (12) was added because a
9 question came up whether drug and alcohol facilities
10 would be included under a mental health establishment.
11 She clarified the question by adding a new subsection
12 and added, "A facility as defined in 28 Pa. Code
13 § 701.1 (relating to General Definitions) that is
14 licensed by the Department of Drug and Alcohol
15 Programs to provide drug and alcohol treatment
16 services."

17 Ms. Wucinski stated most of the final preamble
18 was completed, addressing all of the comments. The
19 Board could vote to have her continue with the final
20 rulemaking package with the hope of having the full
21 package on the agenda at the next meeting.

22 Dr. Jaspan mentioned the removal of the home
23 visit issue, but noted cases where a dental hygienist
24 or even a family member may be going in to brush the
25 patient's teeth and whether that would be considered

1 practicing dental hygiene.

2 Ms. Wucinski referred to the public health dental
3 hygiene practitioner under § 33.205b, where it refers
4 to § 33.205(a)(2)-(6), which are all things that are
5 within the scope of practice of a dental hygienist but
6 is also under the expanded function dental assistant.
7 She noted that brushing teeth is not mentioned. She
8 noted the Board as a whole seems concerned with the
9 PHPHP going into homes and practicing within their
10 scope of practice for the medically compromised
11 patients. She suggested the Board discuss the matter
12 further at its next committee meeting.

13 Ms. Wucinski mentioned the Board's concern with
14 the language of the existing scope of practice of a
15 PHPHP who is practicing in a patient's places of
16 residence or other independent living environments, so
17 it was removed from the Final annex as directed by the
18 Board. She noted that if the Board changes the scope
19 of practice for PHDHP practicing in a patient's place
20 of residence or other independent living environment,
21 the regulation would have to be sent out again as an
22 exposure draft for comments. She explained that this
23 would put this regulation back. Instead, the Board
24 could remove the language regarding services provided
25 in a place of residence or other independent living

1 environment and move forward with this regulation.
2 Thereafter, the Board could start a new regulation
3 package addressing the scope of practice of a PHDHP
4 who provides services in a patient's place of
5 residence or other independent living environment.

6 Dr. Casey noted his concern regarding (11), "An
7 office or clinic of a physician who is licensed by the
8 State Board of Medicine or State Board of Osteopathic
9 Medicine". Ms. Wucinski stated this was discussed at
10 the last Board meeting and the members indicated that
11 language was fine, but in-home practice was the
12 concern. Dr. Casey stated his understanding was the
13 need for a definition on what can and cannot be done
14 by medical and osteopathic offices.

15 Dr. Lugo clarified that there was a vote to
16 remove the language on (3)(iii), which is the home
17 component. The Board did direct counsel to move
18 forward with the language to bring the Board a final
19 annex, so there would be no delay with this particular
20 portion of the regulation, and then draft a new
21 regulatory package for the section that was removed.

22 Dr. Lugo noted that the committee did not take a
23 vote in its earlier meeting because of the need for
24 further discussion and to give all a chance to express
25 their concerns regarding this. He stated the minutes

1 reflect that the Board did ask counsel to move forward
2 with the proposed draft.

3 Ms. Wucinski stated the Board did not need to
4 vote on the matter, and it could discuss it further.

5 Chairman Erhard noted a number of comments
6 germane to this particular annex as well as the
7 private residence. He suggested postponing the vote
8 subsequent to the next committee meeting until
9 additional testimony is heard.

10 Ms. Wucinski stated the issue will be added to
11 the next agenda and discussed at the next committee
12 and Board meetings.]

13

14 For the Board's Information/Discussion

15 [Dana M. Wucinski, Esquire, Board Counsel, addressed
16 Act 41, noting it to be an alternative path to
17 licensure by endorsement for people licensed in good
18 standing in another state if the Board's current
19 endorsement requirements are not met.

20 Ms. Wucinski referred to Act 41, where it states
21 the Board shall issue a license if the licensee (1)
22 Holds a license from another state whose licensure
23 requirements are substantially equivalent; (2)
24 Demonstrates competency in the profession through
25 methods determined by the Board, such as continuing

1 education or practice in a profession for the last two
2 years of the last five years; (3) Has not committed
3 any act that constitutes grounds for refusal,
4 suspension, or revocation of a license unless they
5 have done something and the Board determines it is
6 okay or not grounds to deny; (4) Is in good standing
7 in the other jurisdiction; and (5) Pays all fees.

8 Ms. Wucinski suggested creating a committee to
9 review Act 41 applications consistent with the Board's
10 decision.]

11 ***

12 CHAIRMAN ERHARD:

13 With the approval of the Board, this is
14 going to cover two licensure areas and
15 one certificate area. I asked Terry
16 Groody and Donna Murray to join me on
17 that committee as an ad hoc committee.
18 We can name it the Act 41 Committee if
19 that is okay with the Board.

20 We need a motion.

21 DR. SEID:

22 I so move.

23 CHAIRMAN ERHARD:

24 Second. All in favor? Opposed, same
25 sign.

1 [The motion carried unanimously]

2

3 [Ms. Wucinski suggested that the Board first decide on
4 guidelines for individuals to be substantially
5 equivalent. She stated the guidelines would be a
6 regulation at some point, but the committee will need
7 some guidelines to review these applications.]

8 Ms. Wucinski suggested considering the
9 requirements for licensure in other states, and the
10 committee will decide if the requirements are
11 substantially equivalent to Pennsylvania. She
12 mentioned that the applications will come before the
13 Board if the committee cannot decide if it is
14 substantially equivalent. She noted this to be a
15 means by which applications could be quickly reviewed
16 for military families. She noted the first step would
17 be decide whether the requirements of the other state
18 where the applicant is licensed are substantially
19 equivalent to those of Pennsylvania.]

20

21 [K. Kalonji Johnson, Acting Commissioner, Bureau of
22 Professional and Occupational Affairs, entered the
23 meeting at 10:59 a.m.]

24

25 [Ms. Wucinski noted another step would be to create

1 guidelines for determining competency, whether it be
2 practicing two of the last five years or continuing
3 education (CE).

4 Dr. Jaspan questioned the timeline between a
5 provisional license versus a permanent license. Ms.
6 Wucinski explained that the purpose of a provisional
7 license would be to allow an individual to begin
8 practicing while completing the other requirements
9 that the Board requires to demonstrate competency.

10 Dr. Matta noted that one of the requirements is
11 that an individual graduate from a United States
12 dental school and questioned that interpretation by
13 other countries. He mentioned the Commission of
14 Dental Accreditation (CODA), a United States dental
15 school, CODA-certified dental school, or completed
16 dental school in some other country.

17 Ms. Wucinski commented that individuals from
18 other countries would likely be considered on a case-
19 by-case basis so as to review their education.

20 Dr. Matta noted, if other countries have CODA
21 certification, there would be a certain standard
22 maintained that the Board could probably trust.

23 Dr. Lugo suggested that everyone would have to be
24 able to provide the National Board.]

25 COMMENTS OF CHAIRMAN ERHARD - REQUESTED TO BE

1 VERBATIM:

2 CHAIRMAN ERHARD:

3 I think on the dental license aspect of
4 this, and when you get into foreign
5 applicants, obviously we do not want a
6 situation where there are a lot of
7 foreign-trained and practicing dentists
8 who go to dental school and get a
9 license. I do not think the committee or
10 this Board would want to directly give
11 them a provisional license and then say
12 go to dental school for a year and get
13 it. I think those things may need to be
14 addressed on a case-by-case basis.

15 Maybe for some of the newer Board
16 members, we have gone through challenges
17 as to what is equivalent to CODA-approved
18 education. There are some private
19 agencies that offer evaluations. We have
20 also run into situations where maybe two
21 of those agencies said they were
22 equivalent and two of them said they were
23 not equivalent. I think that is what you
24 are saying.

25 On a case-by-case basis, the

1 committee or Board might have to look at
2 each one of those individually, but what
3 you are looking for now is kind of
4 general guidelines.

5 [Ms. Wucinski noted foreign education would be more
6 difficult, which is why it would be reviewed on a
7 case-by-case basis, but it would be easier to develop
8 a standard for substantial equivalency for other
9 states and territories.]

10 CHAIRMAN ERHARD:

11 I think the only way you could get a
12 license in New York State is by
13 completing a postgraduate program, okay.
14 That individual may practice five
15 consecutive years in New York State and
16 ask for a license in Pennsylvania.

17 Well, our requirements are that you
18 pass a licensure exam. That would be, to
19 me, easily solved by saying you have one
20 year. We will give you a provisional
21 license, but you have one year to take a
22 licensure exam. I am not making a final
23 determination here, but I think that is
24 kind of a scenario where it is outside -
25 I already took a licensure exam. Now, it

1 is I did not take one but I practiced for
2 five years. My record is good. I did
3 all of the CE credits. I want to come to
4 Pennsylvania.

5 We say it is fine, but our
6 requirements are you need to take a
7 licensure exam. We will give you a year
8 to do it.

9 [Ms. Wucinski stated this can be done for the states
10 that do not require a licensure exam and decide what
11 the Board wants to do for the states that do require
12 it.

13 Dr. Matta stated that he saw the benefit of
14 having somebody taking a one-year professional
15 training year (PTY) versus taking an exam. He
16 suggested creating guidelines for individuals coming
17 from other countries and adopting if they have a
18 license in another state.

19 CHAIRMAN ERHARD:

20 That would have to be clarified to me
21 because we do require a licensure exam,
22 although it is for initial licensure.

23 [Acting Commissioner Johnson noted concern to
24 essentially presume a blanket statement that all other
25 states or territories are substantially equivalent.

1 He noted it to presume somewhat of a level of
2 competency to automatically accept these other states.
3 He noted there to be a certain leap there that
4 requires a promulgation of regulations that state as
5 such, which would be that the Board recognizes these
6 other states and territories to be substantially
7 equivalent, which other Boards have struggled with.

8 Ms. Wucinski discussed having a harder time with
9 expanded function dental assistants (EFDAs) because of
10 the scope of practice of EFDAs in other states. She
11 noted the importance of being able to see what the
12 scope of practice in the other state is if it is less
13 than as required by Pennsylvania.

14 Ms. Wucinski addressed competency, noting that
15 the exam is more of a competency determination. She
16 stated substantial equivalence is reviewing the
17 requirements. She stated that competency can be
18 determined by actual wording of the act, two of the
19 last five years in practice in the profession, CE, or
20 both. She mentioned that the Board could require the
21 passage of an exam or courses on Pennsylvania Law. A
22 provisional license could be granted in the meantime
23 so the applicant may start working toward whatever the
24 Board determines demonstrates competency.

25 Dr. Casey questioned how a provisional license

1 would affect the insurance carriers. Acting
2 Commissioner Johnson mentioned discussion at another
3 Board, where the Board granted institutional licenses
4 and never had an issue with reimbursement from the
5 Centers for Medicare & Medicaid Services (CMS). He
6 stated individuals are simply required to meet the
7 conditions, and the condition is not really the basis
8 for determining competency or ability to practice,
9 where the applicant is substantially equivalent as
10 opposed to the traditional.

11 Acting Commissioner Johnson stated the Board
12 would set the duration for the requirements of a
13 provisional license, and the license would expire
14 after that time. He also noted that some provisional
15 licenses would be set on a case-by-case basis.

16 Dr. Seid commented that it was a good idea to
17 have training in Pennsylvania Dental Law but
18 questioned if it is decided that all states are
19 equivalent, whether that would affect the sanction
20 side if something is added.

21 Ms. Wucinski stated individuals practicing in
22 Pennsylvania are required to abide by Pennsylvania
23 law, and those Pennsylvania law courses are readily
24 available if something is added.]

25 CHAIRMAN ERHARD:

1 Another thing is, especially when we get
2 into hygiene and EFDA, we have to make
3 sure the scope of practice in the state
4 they are coming from is substantially
5 equivalent, too.

6 [Dr. Funari mentioned Caribbean medical schools, where
7 most are American students and coming back. He
8 questioned their mechanism to obtain a medical license
9 and would that potentially apply to an out-of-country
10 dental license.]

11 CHAIRMAN ERHARD:

12 If you are talking about a Jamaican
13 school of dentistry, for example, their
14 application in Pennsylvania, after they
15 complete that training is for an initial
16 license. We are talking about someone
17 with an active license, who does not
18 fulfill our requirements to the letter,
19 but they are saying it is equivalent.
20 There is a difference between initial
21 licensure requirements and what you might
22 say, reciprocity or now provisional
23 license.

24 [Ms. Wucinski referred to a comment by Dr. Matta,
25 where the Board would assume that the individual is

1 substantially equivalent to Pennsylvania for licensure
2 if licensed in another state.

3 Ms. Burns clarified that there is licensure by
4 criteria approval within the United States and
5 territories. She noted the biggest hurdle is either
6 the New York general practice residency (GPR) instead
7 of the clinical exam or states like California or
8 Florida that have their own state clinical exam and
9 will not reciprocate with Pennsylvania.

10 Ms. Burns noted those to be good scenarios that
11 fall under Act 41, where their requirements are
12 substantially equivalent and their exam is
13 substantially equivalent. She stated the applicants
14 have continuous practice, as well as comparable
15 clinical examinations and requirements. She noted
16 that the Board would not have to worry about that
17 extra step, and those people would be able to come in
18 through Act 41 through that mechanism.

19 Ms. Burns also noted there is no minimum for
20 Pennsylvania for criteria approval under that method,
21 which could be established through Act 41 and accept
22 anybody who met those requirements through the GPR if
23 the Board deems that acceptable. She also mentioned
24 states that have a clinical exam and similar
25 requirements but do not give that certification as a

1 regulation statute reference could be allowed in under
2 Act 41 to go to the full unrestricted and would not
3 necessarily need a provision.]

4 CHAIRMAN ERHARD:

5 At first blush, to me, what I am seeing
6 here is there is really not going to be
7 much of a conflict for U.S. states;
8 however, once you step out of that
9 scenario, training is a little different
10 from CODA-approved training. We might be
11 looking at a case-by-case determination
12 more than just setting a general rule and
13 fast-tracking everyone. I think the cases
14 are going to be very individual and is
15 going to be needed.

16 [Ms. Burns also noted that individuals from California
17 who have foreign education could fall under the case-
18 by-case determination, because the applicants have to
19 provide proof of education and would be before the
20 committee.

21 Ms. Groody noted a possible problem with
22 verification of equivalency.]

23 CHAIRMAN ERHARD:

24 The committee could contact the American
25 Dental Association (ADA) to try to get

1 some input.

2 Terry, would you explain to the Board
3 the issue with the EFDA aspect of this.
4 Ms. Groody stated that the issue with
5 EFDA, unlike dentistry, is that EFDA has
6 to apply to the Board to even sit for the
7 exam. She noted that the scope of
8 practice in other states is completely
9 different for EFDA. She suggested
10 looking at a scope of practice, and if it
11 matches, issue a provisional license but
12 demand that they take our state exam and
13 the clinical exam.

14 [Ms. Groody noted that not having a clinical exam
15 would open the door for anyone with a scope of
16 practice that matches, and if it did not, she
17 questioned whether the Board could require the
18 educational component in their statute.

19 Ms. Burns suggested having individuals meet the
20 requirements instead of making them take a full
21 program by reviewing the scope of practice for that
22 state.

23 Acting Commissioner Johnson questioned the
24 requirements that would cause the Board to pause from
25 giving an individual a license, noting that if the

1 Board cannot answer the question, then it is not
2 substantially equivalent.]

3 CHAIRMAN ERHARD:

4 I get that, but I think if, I hope you
5 agree with me, that if we had an EFDA
6 clinical exam that would take those
7 judgements out of it and would be defined
8 solution. I would encourage those people
9 in power to move forward. Isn't it in
10 the general? It is important that we
11 move forward with that. I'm just saying.

12 [Ms. Wucinski mentioned that the committee would need
13 guidance. She noted that EFDA will be on a case-by-
14 case basis, looking at the scope. She questioned if
15 the Board agreed that being licensed in another state
16 or territory is sufficient to establish substantial
17 equivalence for a dentist and hygienist.]

18 CHAIRMAN ERHARD:

19 I am trying to dissect initial licensure
20 and licensure by credentials. Where that
21 would be sticky for a credentialing
22 situation, I think, for one example, is
23 someone who has practiced as an oral
24 surgeon for 15 years in a state. You
25 make that person come back and take the

1 American Board of Dental Examiners (ADEX)
2 exam or a perio exam, and they are going
3 to come and practice as an oral surgeon
4 in Pennsylvania. I think substantially
5 equivalent would work there more than
6 demanding that they take an exam. Ms.
7 Wucinski noted what the committee can
8 look at for substantial equivalence and
9 feel comfortable with saying that it is
10 substantially equivalent which are
11 licensed in another state, national exam,
12 and CODA accreditation.

13 [Ms. Wucinski noted that hygienists will need the
14 National exam and clinical exam in their state, and
15 EFDA would be on a case-by-case basis.

16 Ms. Wucinski addressed competency regarding Act
17 41 requiring two of the last five years of practice,
18 CE or both. She stated any matters, where the
19 committee cannot make a decision, would go on the
20 agenda as an Act 41 application for the Board's review
21 and decision.]

22 CHAIRMAN ERHARD:

23 This is in its infancy, so I am not
24 certain what I'm saying is not grounded.
25 If your requirement is the last two years

1 or two out five and that individual comes
2 to the committee and the committee says
3 no we are not going to grant it, that
4 individual then has a right to go to the
5 Board, right, even though the committee
6 denies it.

7 [Ms. Wucinski reiterated the committee would not be
8 denying the application. If the committee cannot
9 approve the application, the matter would go on the
10 agenda.]

11 CHAIRMAN ERHARD:

12 It will go to the whole Board. You get a
13 second bite of the apple.

14 [Acting Chairman Johnson mentioned that the intent of
15 the legislation was to make sure the process was not
16 onerous for military spouses and others.]

17 CHAIRMAN ERHARD:

18 I hate to throw another wrench into the
19 discussion; but another possibility is,
20 as we are discussing two out of the last
21 five continuous, you could perhaps
22 consider, out of the last five years
23 cumulatively you've practiced two or
24 three years, but they may not have been
25 consecutive years because of the mobility

1 that exits in today's world. That might
2 be another way you could do the currency
3 of their practicing but not be as
4 stringent as they have to do consecutive
5 years. I do not know if the Board would
6 want to consider something like that.

7 [Ms. Wucinski noted the Board's decision for
8 substantial equivalence to include graduation from a
9 CODA accredited school for dentists and dental
10 hygienists and completing the national board exam and
11 clinical exam in their state. She also noted that
12 EFDA's would be reviewed on a case-by-case basis to
13 review the scope of practice of the EFDA in their
14 original licensing state. If the scope of practices do
15 not match, the applicant's training and education
16 might not be substantially equivalent.

17 Ms. Wucinski noted the Board's decision on
18 competency, where the individual must have practiced
19 in the profession for two of the last five years and
20 would need CE credits in the state equivalent to
21 Pennsylvania.]

22

23 [Ms. Wucinski provided information regarding the
24 Sunshine Act and Recusal Guidelines, stating that
25 Board or agency business should not be discussed

1 outside of the Board meeting. Board members should
2 not provide any advisory opinions, and all press
3 inquiries should be directed to the Office of
4 Communications and Press.]

5 ***

6 Report of Board Chairman

7 [John F. Erhard III, D.D.S., Chairman, addressed Act
8 41, noting that Ms. Groody and Ms. Murray will be
9 joining him on the Act 41 Committee.

10 Chairman Erhard questioned the 18-month timeline.

11 Ms. Wucinski noted a possible committee meeting
12 with to discuss the draft language. She stated it
13 might be added to General Revisions.

14 Acting Commissioner Johnson was hopeful the Board
15 will meet the 18-month timeline.

16 Ms. Wucinski noted that foreign schools will be
17 decided on a case-by-case basis for now.

18 Chairman Erhard requested his comments be
19 verbatim regarding what was just discussed concerning
20 initial licensure and licensure by criteria.

21 Chairman Erhard stated two years ago the Board
22 voted unanimously to accept only the ADEX licensure
23 examination for initial license in Pennsylvania. He
24 explained that exam is an examination. He noted that
25 the Commission on Dental Competency Assessments (CDCA)

1 and the Council of Interstate Testing Agencies (CITA)
2 administer the exam. He stated that CDCA is dental
3 competency and so is CITA. He commented that Board
4 members wanted to know where the Board stands with
5 accepting only the ADEX exam. He stated ADEX has
6 addressed, noting this is the examination, not the
7 agency that does the examination, the main challenges
8 to a clinical exam for licensure.

9 Chairman Erhard stated the ADEX exam is called a
10 Diagnostic Skills Examination (DSE), which is a
11 written exam that has been judged by evaluators as
12 essentially similar to the Objective Structured
13 Clinical Examination (OSCE). He stated it is a
14 licensure exam used in Canada, at least in Minnesota
15 and possibly in California at this time, although
16 California is very close to requiring the ADEX exam.

17 Chairman Erhard noted a concern from those
18 opposed to a patient exam, where students were
19 stockpiling or hoarding patients for the examination.
20 He noted candidates had patients who needed a certain
21 lesion restored that they identified in October but
22 kept that lesion as it was until February or March.
23 He stated, since then, CDCA administers the exam and
24 has offered to administer the exam a number of times
25 in each institution and will do the examination during

1 the normal treatment day by those dental students.

2 Chairman Erhard explained that if the dental
3 student identified this and were going to treat that
4 lesion in a normal schedule, the examination can be
5 completed on the day that lesion is treated.

6 Chairman Erhard stated faculty members will also
7 advocate for a student during the examination, which
8 is really helpful, because faculty are allowed to
9 identify the decay for the candidate. He mentioned
10 that not every school elects to do that. Many schools
11 say, if a student cannot identify decay, the student
12 should not be passing a licensure exam. Although
13 because of this curriculum-integrated format, these
14 candidates are able to take advantage of that. So it
15 really takes the patient manipulation aspect out of
16 the examination.

17 Chairman Erhard stated ADEX grading statistics
18 have revealed that the most difficult lesions for
19 candidates to find and the restoration with the most
20 candidate failures was the anterior front tooth
21 restoration.

22 Chairman Erhard addressed determining contact
23 prerestoration and postrestoration of anterior teeth.
24 He noted accepting lesions that were not in contact
25 pre, but had to be restored contact post. He

1 discussed determining contact by sliding a matrix band
2 between the contact, noting if there was resistance,
3 it was in contact; and if it flowed freely, there was
4 no contact.

5 Chairman Erhard stated testers have now developed
6 a fabricated tooth that is almost 100 percent similar
7 to natural teeth. He noted working with dentures,
8 stating that this tooth has the exact hardness of
9 enamel, exact hardness of dentin, exact positioning of
10 the pulp chamber and the pulp, and if it has decay,
11 the denture can put into the prosthetic tooth in
12 different areas with tug-back.

13 Chairman Erhard explained that decay can be
14 identified by the tug-back, noting decay left in the
15 tooth. He commented that anterior restoration can now
16 be performed on a prosthetic tooth. He stated ADEX
17 has the patent and are doing this at six schools this
18 year for a trial.

19 Chairman Erhard commented that the Board should
20 have the courage to follow their convictions when they
21 accepted only the ADEX exam for initial licensure.

22 Chairman Erhard reminded Board members to refer
23 anyone to the Pennsylvania Licensing System (PALS) if
24 approached by licensed applicants who have not
25 received official notification that their license is

1 current and valid. He suggested informing people that
2 the answers to their questions are there, but they
3 have to find them. They should not advise them to
4 call the Board office.

5 Ms. Burns explained that PALS gives individuals a
6 dashboard when they apply, where they can find all of
7 their checklist items and be able to track the status
8 of their applications at all times.]

9

10 Report of Acting Commissioner

11 [K. Kalonji Johnson, Acting Commissioner, Bureau of
12 Professional and Occupational Affairs, thanked and
13 commended the Board's efforts moving through the Act
14 41 process.

15 Acting Commissioner Johnson commented that the
16 Board is always looking for ways to better educate and
17 inform licensees about how to make the process more
18 user-friendly. The bureau is constantly reviewing
19 PALS to make sure it is operating efficiently and
20 identifying possible improvements. He mentioned that
21 the Bureau is working with Board staff across all of
22 the Boards and Commissions to make sure all applicants
23 are getting the necessary resources and training.]

24

25 Report of Board Administrator - No Report

1 ***

2 Report of Committees - Expanded Function Dental
3 Assistant Committee

4 [Theresa A. Groody, EFDA, questioned the status of the
5 clinical exam.

6 Ms. Wucinski noted working on the PHPHPs and the
7 fees regulations. She will review General Revisions
8 to possibly add the Act 41 language and will discuss
9 the regulations further at the next Board meeting.]

10 ***

11 Licensure Committee - No Report

12 ***

13 Newsletter Committee - No Report

14 ***

15 Probable Cause Screening Committee

16 [Amber Sizemore, Esquire, Office of Attorney General,
17 mentioned that the committee met earlier in the day
18 and noted five items for consideration.]

19 ***

20 Regulations/Legislative Review Committee

21 [R. Ivan Lugo, D.M.D., announced the Board met earlier
22 in the day and discussed the annex and other concerns
23 regarding locations on PHDPHPs and concerns by the
24 Board and public. The committee agreed to another
25 meeting at 8:00 a.m. before the next general Board

1 meeting.]

2

3 Scope of Practice Committee

4 [John F. Erhard III, D.D.S., Chairman, requested a
5 report at the next meeting regarding the use of lasers
6 by dental hygienists.]

7

8 Correspondence

9 [R. Ivan Lugo, D.M.D., suggested the committee discuss
10 digital impressions during the Scope of Practice
11 Committee Meeting.]

12

13 [John F. Erhard III, D.D.S., Chairman, noted the next
14 scheduled Board meeting is November 15, 2019.]

15

16 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
17 12:22 p.m. the Board entered into Executive Session
18 with Dana M. Wucinski, Esquire, Board Counsel, for the
19 purpose of conducting quasi-judicial deliberations on
20 a number of matters currently pending before the Board
21 and to receive the advice of counsel. The Board
22 returned to open session at 2:31 p.m.]

23

24 [K. Kalonji Johnson, Acting Commissioner, Bureau of
25 Professional and Occupational Affairs, exited the

1 meeting at 2:31 p.m.]

2

3 MOTIONS

4 MS. WUCINSKI:

5

I believe the Board will entertain a

6

motion to adopt the Consent Agreement at

7

Case No. 16-46-12280.

8 DR. SEID:

9

So moved.

10 MS. SIZEMORE:

11

Second.

12

13

All in favor? Opposed, same sign.

14

[The motion carried unanimously. The name in that

15

case being Beth Trummer, D.D.S.]

16

17 MS. WUCINSKI:

18

I believe the Board will entertain a

19

motion to adopt the Consent Agreement at

20

Case No. 16-46-14708 & 17-46-00115.

21 CHAIRMAN ERHARD:

22

I need a motion.

23 DR. FUNARI:

24

So moved.

25 DR. SEID:

1 Second.

2 CHAIRMAN ERHARD:

3 All in favor? Opposed, same sign.

4 [The motion carried unanimously. The name in that
5 case being Anabianca Rudolph, D.M.D.]

6 ***

7 MS. WUCINSKI:

8 I believe the Board will entertain a
9 motion to adopt the Consent Agreement at
10 Case No. 19-46-000170.

11 CHAIRMAN ERHARD:

12 I need a motion.

13 DR. JASPAN:

14 So moved.

15 MS. SIZEMORE:

16 Second.

17 CHAIRMAN ERHARD:

18 All in favor? Opposed, same sign.

19 [The motion carried unanimously. The name in that
20 case being Wolfram Trummer D.D.S.]

21 ***

22 MS. WUCINSKI:

23 I believe the Board will entertain a
24 motion to adopt the Consent Agreement at
25 File No. 16-46-13163.

1 CHAIRMAN ERHARD:

2 I need a motion.

3 DR. SEID:

4 So moved.

5 DR. MOUNTAIN:

6 Second.

7 CHAIRMAN ERHARD:

8 All in favor? Opposed, same sign.

9 [The motion carried unanimously. The name in that
10 case being Jennifer Linn Bush, D.M.D.]

11 ***

12 MS. WUCINSKI:

13 I believe the Board will entertain a
14 motion to adopt the Consent Agreement at
15 Case No. 17-46-013076.

16 CHAIRMAN ERHARD:

17 I need a motion.

18 DR. SEID:

19 So moved.

20 DR. LUGO:

21 Second.

22 CHAIRMAN ERHARD:

23 All in favor? Opposed, same sign.

24 [The motion carried unanimously. The name in that
25 case being Naghmeh Pashmini, D.M.D.]

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MS. WUCINSKI:

I believe the Board will entertain a motion to adopt the Consent Agreement at Case No. 17-46-12405.

DR. FUNARI:

So moved.

DR. MATTA:

Second.

CHAIRMAN ERHARD:

All in favor? Opposed, same sign.

[The motion carried unanimously. The name in that case being Nicholas J. Civillico, D.D.S.]

MS. WUCINSKI:

I believe the Board will entertain a motion to direct Board counsel to draft an Adjudication and Order consistent with discussions in executive session for the case of Elizabeth J. Rightweiser, R.D.H., Case No. 16-46-03453.

DR. LUGO:

So moved.

DR. MATTA:

1 Second.

2 CHAIRMAN ERHARD:

3 All in favor? Opposed, same sign.

4 [The motion carried unanimously.]

5 ***

6 MS. WUCINSKI:

7 I believe the Board will entertain a
8 motion to adopt the proposed
9 Adjudication and Order as final in the
10 case of Meagan E. Alexander, R.D.H.,
11 Case No. 19-46-003490.

12 DR. JASPAN:

13 So moved.

14 DR. SEID:

15 Second.

16 CHAIRMAN ERHARD:

17 All in favor? Opposed, same sign.

18 [The motion carried unanimously.]

19 ***

20 MS. WUCINSKI:

21 I believe the Board will entertain a
22 motion to adopt the proposed
23 Adjudication and Order as final and
24 substitute final order as discussed in
25 executive session in the case of Gregory

1 John Arendacs, D.M.D., Case No. 16-46-
2 05937.

3 DR. MATTA:

4 So moved.

5 CHAIRMAN ERHARD:

6 Do we have a second?

7 MS. GROODY:

8 Second.

9 CHAIRMAN ERHARD:

10 All in favor? Opposed, same sign.

11 [The motion carried. Dr. Seid recused herself from
12 deliberations and voting on the motion.]

13 ***

14 MS. WUCINSKI:

15 I believe the Board will entertain a
16 motion to direct Board counsel to draft
17 and issue a final Order consistent with
18 discussions in executive session in the
19 case of Stanley Dubin, D.D.S., Case No.
20 15-46-10686.

21 DR. MATTA:

22 Motion.

23 DR. SEID:

24 Second.

25 CHAIRMAN ERHARD:

1 All in favor? Opposed, same sign.

2 Recusals?

3 [The motion carried. Dr. Seid opposed the motion.]

4 ***

5 MS. WUCINSKI:

6 I believe the Board will entertain a
7 motion to direct Board counsel to draft
8 a final Adjudication and Order
9 consistent with discussions in executive
10 session in the case of Kathleen Mullen,
11 D.M.D., Case No. 19-46-005485.

12 DR. MATTA:

13 Motion.

14 MS. GROODY:

15 Second.

16 CHAIRMAN ERHARD:

17 All in favor? Opposed, same sign.

18 Recusals?

19 [The motion carried unanimously.]

20 ***

21 MS. WUCINSKI:

22 I believe the Board will entertain a
23 motion to direct Board counsel to draft
24 a final Adjudication and Order
25 consistent with discussions held in

1 executive session in the case of Robert
2 Louis Romeo, D.D.S., Case No. 15-46-
3 11873.

4 DR. FUNARI:

5 So moved.

6 DR. MATTA:

7 Second.

8 CHAIRMAN ERHARD:

9 All in favor? Opposed, same sign.

10 Recusals?

11 [The motion carried unanimously.]

12 ***

13 MS. WUCINSKI:

14 I believe the Board will entertain a
15 motion to direct Board counsel to draft
16 and issue a final Adjudication and Order
17 consistent with discussions in executive
18 session in the case of Michael S. Taras,
19 D.M.D., Case No. 14-46-01973.

20 DR. FUNARI:

21 So moved.

22 DR. MATTA:

23 Second.

24 CHAIRMAN ERHARD:

25 All in favor? Opposed, same sign.

1 Recusals?

2 [The motion carried unanimously.]

3 ***

4 MS. WUCINSKI:

5 I believe the Board will entertain a
6 motion to adopt the draft Adjudication
7 and Order as final in the case of
8 Jamshid K. Assadinia, D.D.S., Case No.
9 18-46-005532.

10 DR. MATTA:

11 Motion.

12 DR. SULLIVAN:

13 Second.

14 CHAIRMAN ERHARD:

15 All in favor? Opposed, same sign.

16 [The motion carried unanimously.]

17 ***

18 CHAIRMAN ERHARD:

19 I move that the Board accept the final
20 Adjudication and Order in the case of
21 Gerald Joseph Regni Jr., D.M.D., Case
22 No. 15-46-14378.

23 MS. GROODY:

24 So moved.

25 DR. MATTA:

1 Second.

2 CHAIRMAN ERHARD:

3 All in favor? Opposed, same sign.

4 [The motion carried. Dr. Sullivan and Ms. Wucinski
5 recused themselves from deliberations and voting on
6 the motion.]

7 ***

8 MS. WUCINSKI:

9 I believe the Board will entertain a
10 motion to adopt the draft Adjudication
11 and Order as final in the case of Joshua
12 A. Robbins, D.D.S., Case No. 17-46-
13 04114.

14 CHAIRMAN ERHARD:

15 Motion?

16 DR. JASPAN:

17 So moved.

18 DR. MOUNTAIN:

19 Second.

20 CHAIRMAN ERHARD:

21 All in favor? Opposed, same sign.

22 Recusals?

23 [The motion carried unanimously.]

24 ***

25 MS. WUCINSKI:

1 I believe the Board will entertain a
2 motion to approve Bartley J. Morrow,
3 D.D.S., as the Practice Monitor in the
4 case of Jeffrey Alan Klink, D.M.D., Case
5 No. 16-46-06736.

6 DR. MATTA:

7 Motion.

8 MS. MURRAY:

9 Second.

10 CHAIRMAN ERHARD:

11 All in favor? Opposed, same sign.

12 [The motion carried. Dr. Sullivan and Ms. Sizemore
13 recused themselves from deliberations and voting on
14 the motion.]

15 ***

16 MS. WUCINSKI:

17 I believe the Board will entertain a
18 motion to direct Board counsel to grant
19 the petition to reconsider and to issue
20 a final order as discussed in executive
21 session in the case of Miranda W. Smith,
22 D.D.S., Case No. 14-46-14049.

23 MS. SIZEMORE:

24 So moved.

25 DR. MATTA:

1 Second.

2 CHAIRMAN ERHARD:

3 All in favor? Opposed, same sign.

4 Recusals?

5 [The motion carried unanimously.]

6 ***

7 MS. WUCINSKI:

8 I believe the Board will entertain a
9 motion to approve the Application to Sit
10 for the Expanded Function Dental
11 Assistant exam of Lakesha Burgwin.

12 MS. MURRAY:

13 So moved.

14 DR. SEID:

15 Second.

16 CHAIRMAN ERHARD:

17 All in favor? Opposed, same sign.

18 [The motion carried unanimously.]

19 ***

20 MS. WUCINSKI:

21 I believe the Board would entertain a
22 motion to provisionally deny the
23 Application for a License to Practice as
24 a Dentist for Robert Karl Thielen.

25 DR. FUNARI:

1 So moved.

2 DR. SULLIVAN:

3 Second.

4 CHAIRMAN ERHARD:

5 All in favor? Opposed, same sign.

6 [The motion carried unanimously.]

7 ***

8 MS. WUCINSKI:

9 I believe the Board will entertain a
10 motion to approve the application for an
11 Anesthesia Restricted Permit I of
12 Michael Carl Rogers upon the completion
13 of all administrative requirements.

14 DR. LUGO:

15 So moved.

16 DR. MATTA:

17 Second.

18 CHAIRMAN ERHARD:

19 All in favor? Opposed, same sign.

20 [The motion carried unanimously.]

21 ***

22 MS. WUCINSKI:

23 I believe the Board will entertain a
24 motion to approve the Application for a
25 License to Practice as a Dentist of

1 Ronald Taylor.

2 DR. LUGO:

3 So moved.

4 DR. MATTA:

5 Second.

6 CHAIRMAN ERHARD:

7 All in favor? Opposed, same sign.

8 [The motion carried unanimously.]

9 ***

10 Adjournment

11 CHAIRMAN ERHARD:

12 The meeting is adjourned.

13 ***

14 [There being no further business, the State Board of
15 Dentistry Meeting adjourned at 2:41 p.m.]

16 ***

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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.



Evan Bingaman,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF DENTISTRY
REFERENCE INDEX

September 13, 2019

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8	10:13	Official Call to Order
9		
10	10:14	Introduction of Board and Audience
11		
12	10:21	Approval of Minutes
13		
14	10:22	Report of Prosecutorial Division
15		
16	10:42	Report of Board Counsel
17		
18	10:55	For the Board's Information/Discussion
19		
20	12:00	Report of Board Chairman
21		
22	12:13	Report of Acting Commissioner
23		
24	12:17	Report of Committees
25		
26	12:21	Correspondence
27		
28	12:22	Executive Session
29	2:31	Return to Open Session
30		
31	2:31	Motions
32		
33	2:41	Adjournment
34		
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