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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: 9:01 A.M.

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

September 14, 2018

1 State Board of Dentistry
2 September 14, 2018
3
4

5 BOARD MEMBERS:
6

7 John F. Erhard III, D.D.S., Chairperson
8 Ian J. Harlow, Commissioner of Professional
9 and Occupational Affairs - Absent
10 Shawn M. Casey, D.M.D.
11 David J. Dattilo, D.D.S.
12 Barbara (Bonnie) L. Fowler, Public Member
13 Theresa A. Groody, EFDA
14 Alice Hart Hughes, Esquire, Public Member
15 Joel S. Jaspan, D.D.S.
16 R. Ivan Lugo, D.M.D.
17 Andrew S. Matta, D.M.D. - Absent
18 Arlene G. Seid, M.D., M.P.H., Department of Health
19 Designee
20 Amber Sizemore, Esquire, Office of Attorney General
21 Donna L. Schoenecker, R.D.H.
22 Jennifer Unis Sullivan, D.M.D., J.D.
23
24

25 BUREAU PERSONNEL:
26

27 Kerry E. Maloney, Esquire, Board Counsel
28 Paul J. Jarabeck, Esquire, Board Prosecution Liaison
29 Lisa M. Burns, Board Administrator
30
31

32 ALSO PRESENT:
33

34 Michael K. Kaner, D.M.D., Pennsylvania Academy of
35 General Dentistry
36 Steve Neidlinger, CAE, Executive Director,
37 Pennsylvania Academy of General Dentistry
38 Sharon Langan, Dental Faculty, Fortis Institute of
39 Scranton
40 Megan Brightbill, Dental Hygienist and Associate Dean
41 of Academic Affairs, Harrisburg Area Community
42 College
43 Marisa Swarney, Director of Government Relations,
44 Pennsylvania Dental Association
45 Charles Hartwell, Esquire, Dethlefs-Pykosh Law Group
46
47
48
49
50

1 ***

2 State Board of Dentistry

3 September 14, 2018

4 ***

5 The regularly scheduled meeting of the State
6 Board of Dentistry was held on Friday, September 14,
7 2018. John F. Erhard III, D.D.S., Chairperson, called
8 the meeting to order at 9:01 a.m. He wished those in
9 the Carolinas the best due to the recent tropical
10 storm.

11 Jennifer Unis Sullivan, D.M.D., J.D., was not
12 present at the commencement of the meeting. A quorum
13 was noted to be present.

14 ***

15 Introduction of Board and Audience

16 [Chairperson Erhard requested the introduction of
17 Board, staff, and audience members.]

18 ***

19 [Joel S. Jaspán, D.D.S., introduced himself and
20 provided a brief summary of his professional
21 background.]

22 ***

23 Approval of Minutes of the July 20, 2018 meeting

24 CHAIRPERSON ERHARD:

25 The first item on the agenda is the

1 approval of minutes from the last Board
2 meeting. Are there any additions or
3 corrections?

4 [The Board discussed corrections to the minutes.]

5 CHAIRPERSON ERHARD:

6 Any other additions or corrections?

7 DR. SEID:

8 I move to approve the minutes with the
9 amendments mentioned by Ms. Hughes.

10 DR. DATTILO:

11 Second.

12 CHAIRPERSON ERHARD:

13 All in favor of accepting the minutes as
14 amended, signify by saying aye.

15 Opposed, same sign.

16 [The motion carried. Dr. Lugo and Dr. Jaspan
17 abstained from voting on the motion.]

18 ***

19 [Jennifer Unis Sullivan, D.M.D., J.D., entered the
20 meeting at 9:06 a.m.]

21 ***

22 Report of Prosecutorial Division

23 [Paul J. Jarabeck, Esquire, Board Prosecutor, on
24 behalf of Julia A. Caralle, Esquire, presented the
25 Consent Agreements for File No. 16-46-13981 and File

1 No. 18-46-00365.]

2

3 [Mr. Jarabeck presented the VRP Consent Agreements for
4 File No. 18-46-001654 and File No. 18-46-006024.]

5

6 [Mr. Jarabeck next presented the Consent Agreements
7 for File No. 16-46-07127, File No. 18-46-007449, File
8 No. 16-46-06412, and File No. 16-46-05937.]

9

10 [Mr. Jarabeck noted that Mr. Kelly will no longer be
11 prosecuting before the Board, as he was promoted to
12 the position of Hearing Examiner.

13 Chairman Erhard extended best wishes to Attorney
14 Kelly on behalf of the Board.]

15

16 Report of Board Counsel

17 [Kerry E. Maloney, Esquire, Board Counsel, noted
18 proposed Adjudications and Orders, a Final
19 Adjudication and Order, and a request application for
20 a stay for discussion during Executive Session.

21 Mr. Maloney suggested holding a regulatory
22 meeting after the next Board meeting to approve
23 regulations. He discussed finalizing the Statements
24 of Policy, Tooth Whitening and Botox/Dermal Fillers
25 regulations.

1 Mr. Maloney discussed the Volunteer License
2 regulation, which would be done as a final omitted.
3 He noted the Child Abuse Reporting Requirements
4 regulation, which was forwarded to the Office of
5 General Counsel. He stated the General Revisions,
6 Radiological Procedures, and Continuing Education (CE)
7 regulations are still with the Office of General
8 Counsel (OGC) and the Office of Budget and Policy.

9 Mr. Maloney stated that the Public Health Dental
10 Hygienist regulation will be forwarded to OGC and
11 Budget and Policy.

12 Mr. Maloney discussed the Board's non-statutory
13 authority to regulate mobile dental vans.

14 Mr. Maloney noted the 129 regulations pending and
15 21 appeals pending in Pennsylvania. He stated the
16 electronic criminal justice database in Pennsylvania
17 and the Board's database will work together. He
18 discussed combining regulations in order to move the
19 regulatory packages forward on merits. He further
20 explained the regulatory process.]

21

22 Report of Board Chairperson

23 John F. Erhard III, D.D.S., Chairperson, informed the
24 Board of his attendance at the American Board of
25 Dental Examiners (ADEX) Annual Meeting in Rosemont,

1 IL. He noted that all aspects of the dental and
2 dental hygiene exams were reviewed in detail. He
3 noted changes in the dental licensure exam. The
4 dental hygiene exam was the same.

5 Chairperson Erhard stated ADEX is developing a
6 computer-generated periodontal exam designed to better
7 test the diagnoses and treatment planning skills of
8 dental candidates. He stated that currently ADEX is
9 still considering to continue the periodontal patient
10 exam but also conducting diagnoses and treatment
11 planning exams called Diagnostic Skills Examination
12 (DSE), which would better evaluate the preparedness of
13 the candidates.

14 Chairperson Erhard also attended an informational
15 session with the Pennsylvania Coalition for Oral
16 Health.

17 Chairperson Erhard was invited to the Fortis
18 Institute in Scranton, PA, for a presentation and tour
19 of the clinical facility. Chairperson Erhard thanked
20 the stakeholders who attend the meetings and
21 demonstrated an interest in the profession.

22 Chairperson Erhard discussed the licensing
23 concerns of individuals frustrated by the process. He
24 noted that all phone calls should be referred to the
25 Board's staff.

1 Ms. Burns commented that applications are now
2 received electronically through the Pennsylvania
3 Licensing System (PALS). She noted a current
4 processing time of 10 to 15 business days with
5 applications being processed in the date order
6 received. She noted that all mail is processed
7 through a document processing center for the Bureau
8 for all of the Boards.]

9 ***

10 Report of Commissioner - No Report

11 ***

12 Report of Board Administrator - No Report

13 ***

14 Report of Committees

15 Expanded Function Dental Assistant Committee

16 - No Report

17 ***

18 Licensure Committee - No Report

19 ***

20 Newsletter Committee

21 Barbara (Bonnie) L. Fowler, Public Member, stated the

22 September-October Newsletter was prepared and

23 submitted for approval. She noted an article

24 regarding the transfer of patient records by Dr.

25 Erhard. She mentioned an article by Dr. Seid

1 outlining the proactive steps being taken by the
2 Department of Health and other agencies in the
3 Commonwealth concerning the opioid epidemic.

4 Ms. Fowler recognized Ms. Hughes as the Board's
5 new secretary and three new Board members.]

6

7 Probable Cause Committee - No Report

8

9 Regulations/Legislative Review Committee

10 [R. Ivan Lugo, D.M.D., announced Board approval for
11 travel to the American Association of Dental Boards on
12 September 22, 2018. Dr. Lugo noted quarterly meetings
13 for the committee.]

14

15 Scope of Practice Committee

16 For the Board's Information/Discussion

17 [David J. Dattilo, D.D.S., discussed correspondence
18 from Dr. Joseph Crowley from the American Dental
19 Association (ADA) regarding a policy statement
20 concerning sleep-related breathing disorders. He
21 noted the ADA's official policy and discussed the
22 Board adopting the same as a policy statement.

23 Dr. Dattilo also noted communications from the
24 American Academy of Dental Sleep Medicine. He stated
25 the ADA recognized groups that are lobbying state

1 Boards around the country to promote certain laws and
2 regulations regarding the treatment of sleep-related
3 disorders.

4 Dr. Dattilo commented that the policy statement
5 by the ADA suggests that the role of the dentist be
6 clearly defined within the regulations of the state
7 Board. He referred to the policy statement as well
8 researched and suggested adopting the same.

9 Mr. Maloney explained the Board would have to
10 create a statement of policy. He cautioned the Board
11 to not provide advisory opinions. A regulation could
12 be drafted using the ADA Policy as a basis and
13 guideline for the Board's Statement of Policy. Mr.
14 Maloney reviewed the input of comments within the
15 regulatory process.]

16 DR. DATILLO:

17 I'd like to make a motion that the State
18 Board accept the policy statement on the
19 role of Dentistry and the treatment of
20 sleep-related breathing disorders as
21 proposed by the American Dental
22 Association.

23 DR. SEID:

24 Second.

25 [Mr. Maloney advised that the Board should move

1 forward with a motion to draft its own Policy
2 Statement using the ADA Statement of Policy as a
3 starting point.]

4 DR. DATILLO:

5 Motion is so amended.

6 DR. SEID:

7 Second as amended.

8 CHAIRPERSON ERHARD:

9 Let's open it up for discussion.

10 [The Board held further discussion on the motion, as
11 well as the format and purpose of the Statement of
12 Policy.]

13 CHAIRPERSON ERHARD:

14 Any question on the motion? All of in
15 favor, signify by saying aye. Opposed,
16 same sign.

17 The motion carried unanimously.]

18 ***

19 [Correspondence for the American Academy of Dental
20 Sleep Medicine (AADSM) was noted for discussion
21 regarding its importance to the Board.]

22 ***

23 [The practice of teledentistry and telehealth within
24 the state as a way of reaching out to urban areas and
25 underserved communities, as well as its impact on the

1 Board of Dentistry, was discussed. The current
2 legislature on the matter, Senate Bill 780, was
3 noted.]

4 ***
5 [Correspondence from the Commission on Dental
6 Accreditation (CODA) listing dates and locations for
7 on-site evaluation of dental education programs was
8 noted.]

9 ***
10 [The Board's 2019 meeting dates were noted for the
11 Board's information.]

12 ***
13 [The Board also discussed correspondence from the
14 Joint Commission on National Dental Examinations
15 (JCNDE) regarding its efforts to replace the National
16 Board Dental Examination (NBDE) Parts I and II and its
17 impact on the ADEX testing.]

18 ***
19 [The Board recessed from 10:30 a.m. until 10:48 a.m.]

20 ***
21 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
22 10:48 a.m. the Board entered into Executive Session
23 with Kerry E. Maloney, Esquire, Board Counsel, for the
24 purpose of conducting quasi-judicial deliberations.
25 The Board returned to open session at 12:26 p.m.]

1 ***

2 MOTIONS:

3 CHAIRPERSON ERHARD:

4 We are back in public session, and I'll
5 call on Dr. Jaspán.

6 DR. JASPAN:

7 I move to accept the Consent Agreement
8 for File No. 16-46-13981.

9 DR. DATTILO:

10 Second.

11 CHAIRPERSON ERHARD:

12 On the question?

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

18 [The motion carried unanimously. The Respondent's
19 name is Kristin Elizabeth Nelson Russo, D.D.S.]

20 ***

21 DR. DATTILO:

22 I move to accept the Consent Agreement
23 for File No. 18-46-00365.

24 DR. SEID:

25 Second.

1 CHAIRPERSON ERHARD:

2 On the question?

3

4 Hughes, aye; Lugo, aye; Schoenecker,
5 aye; Casey, aye; Fowler, aye; Seid, aye;
6 Sizemore, aye; Sullivan, aye; Jaspan,
7 aye; Dattilo, aye; and Erhard, aye.

8 [The motion carried unanimously. The Respondent's
9 name is Heather Elizabeth Clark, D.M.D.]

10 ***

11 DR. SULLIVAN:

12 I move to accept the Consent Agreements
13 for File No. 18-46-001654 and File No.
14 18-46-006024.

15 MS. HUGHES:

16 Second.

17 CHAIRPERSON ERHARD:

18 On the question?

19

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

24 [The motion carried unanimously.]

25 ***

1 DR. JASPAN:

2 I move to accept the Consent Agreement
3 for File No. 16-46-07127.

4 MS. FOWLER:

5 Second.

6 CHAIRPERSON ERHARD:

7 On the question?

8

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

13 [The motion carried unanimously. The Respondent's
14 name is Chad C. Taylor, D.D.S.]

15 ***

16 MS. SIZEMORE:

17 I move to accept the Consent Agreement
18 for File No. 18-46-007449.

19 MS. HUGHES:

20 Second.

21 CHAIRPERSON ERHARD:

22 On the question?

23

24 Hughes, aye; Lugo, aye; Schoenecker,
25 aye; Casey, aye; Fowler, aye; Seid,

1 abstain; Sizemore, aye; Sullivan, aye;
2 Jaspan, aye; Dattilo, aye; and Erhard,
3 aye.

4 [The motion carried. Dr. Seid abstained from voting
5 on the motion. The Respondent's name is Palmer
6 Cotturo, D.D.S.]

7 ***

8 DR. SEID:

9 I move to accept the Consent Agreement
10 for File No. 16-46-06412.

11 DR. DATTILO:

12 Second.

13 CHAIRPERSON ERHARD:

14 On the question?

15
16 Hughes, aye; Lugo, aye; Schoenecker,
17 aye; Casey, aye; Fowler, aye; Seid, aye;
18 Sizemore, aye; Sullivan, aye; Jaspan,
19 aye; Dattilo, aye; and Erhard, aye.

20 [The motion carried unanimously. The Respondent's
21 name is Jonathan William Theis, D.M.D.]

22 ***

23 MS. FOWLER:

24 I move to accept the Consent Agreement
25 for File No. 17-46-05937.

1 DR. JASPAN:

2 Second.

3 CHAIRPERSON ERHARD:

4 On the question?

5

6 Hughes, aye; Lugo, aye; Schoenecker,
7 aye; Casey, aye; Fowler, aye; Seid, aye;
8 Sizemore, aye; Sullivan, aye; Jaspán,
9 aye; Dattilo, aye; and Erhard, aye.

10 [The motion carried unanimously. The Respondent's
11 name is Kelley Renee Hagen.]

12 ***

13 DR. CASEY:

14 I move that the Board adopt the Hearing
15 Examiner's proposed Adjudication and
16 Order in the case of Anthony J.
17 Ermocida, D.M.D., File No. 14-46-13881
18 and direct Board Counsel to prepare the
19 Board's final Adjudication and Order.

20 DR. SIZEMORE:

21 Second.

22 CHAIRPERSON ERHARD:

23 On the question?

24

25 Hughes, aye; Lugo, aye; Schoenecker,

1 aye; Casey, aye; Fowler, aye; Seid, aye;
2 Sizemore, aye; Sullivan, aye; Jaspan,
3 aye; Dattilo, aye; and Erhard, aye.

4 [The motion carried unanimously.]

5 ***

6 MS. SCHOENECKER:

7 In the case of Miranda Whyllly Smith,
8 D.D.S., File No. 14-46-14049, I move
9 that Board Counsel be directed to
10 prepare an Adjudication and Order
11 consistent with our discussions in
12 Executive Session.

13 MS. HUGHES:

14 Second.

15 CHAIRPERSON ERHARD:

16 On the question?

17

18 Hughes, aye; Lugo, aye; Schoenecker,
19 aye; Casey, aye; Fowler, aye; Seid, aye;
20 Sizemore, aye; Sullivan, aye; Jaspan,
21 aye; Dattilo, aye; and Erhard, aye.

22 [The motion carried unanimously.]

23 ***

24 DR. LUGO:

25 I move to adopt the Consent Agreement

1 for File No. 18-46-04226.

2 MS. HUGHES:

3 Second.

4 CHAIRPERSON ERHARD:

5 On the question?

6

7 Lugo, aye; Hughes, aye; Schoenecker,
8 aye; Casey, aye; Fowler, aye; Seid, aye;
9 Sizemore, aye; Sullivan, aye; Jaspan,
10 aye; Dattilo, aye; and Erhard, aye.

11 [The motion carried unanimously. The Respondent's
12 name is Elaine Hoppes-Goroshko, D.D.S.]

13

14 MS. HUGHES:

15 In the case of Julie Ann Miller, R.D.H.,
16 File No. 15-46-14072, I move that the
17 Board adopts the final Adjudication and
18 Order.

19 MS. FOWLER:

20 Second.

21 CHAIRPERSON ERHARD:

22 On the question?

23

24 Lugo, aye; Hughes, aye; Schoenecker,
25 aye; Casey, aye; Fowler, aye; Seid, aye;

1 Sizemore, aye; Sullivan, aye; Jaspan,
2 aye; Dattilo, aye; and Erhard, aye.

3 [The motion carried unanimously.]

4 ***

5 DR. DATTILO:

6 In the case of Andrea P. Kuzma, D.M.D.,
7 File No. 15-46-05351, the Board moves to
8 grant the application and direct Board
9 Counsel to draft and issue an order
10 consistent with discussions in Executive
11 Session.

12 MS. HUGHES:

13 Second.

14 CHAIRPERSON ERHARD:

15 On the question?

16
17 Hughes, aye; Lugo, aye; Schoenecker,
18 aye; Casey, recused; Fowler, aye; Seid,
19 aye; Sizemore, aye; Sullivan, aye;
20 Jaspan, aye; Dattilo, aye; and Erhard,
21 aye.

22 [The motion carried. Dr. Casey recused himself from
23 deliberations and voting on the motion.]

24 ***

25 MS. HUGHES:

1 With regards to the application of
2 Valerie Nuyen Rockacy, D.D.S., and
3 Suvendra Vijayan, B.D.S., M.P.H., for a
4 Restricted Faculty Permit, I move that
5 the Board administrator issue a letter
6 in accordance with discussions held in
7 Executive Session.

8 DR. LUGO:

9 Second.

10 CHAIRPERSON ERHARD:

11 On the question?

12
13 Hughes, aye; Lugo, aye; Schoenecker,
14 aye; Casey, aye; Fowler, aye; Seid, aye;
15 Sizemore, aye; Sullivan, aye; Jaspán,
16 aye; Dattilo, aye; and Erhard, aye.

17 [The motion carried unanimously.]

18 ***

19 DR. SULLIVAN:

20 Upon review of the application of Erich
21 Zimmermann, D.D.S., I move that the
22 Board accept his application.

23 MS. SIZEMORE:

24 Second.

25 CHAIRPERSON ERHARD:

1 On the question?

2

3 Hughes, aye; Lugo, aye; Schoenecker,
4 aye; Casey, aye; Fowler, aye; Seid, aye;
5 Sizemore, aye; Sullivan, aye; Jaspan,
6 aye; Dattilo, aye; and Erhard, aye.

7 [The motion carried unanimously.]

8

9 DR. SEID:

10 The case of Jessica Marie Huber, D.H., I
11 move to approve the reapplication
12 provided that she is in DMU and direct
13 Board Counsel to direct Board
14 accordingly.

15 DR. SULLIVAN:

16 I second.

17 CHAIRPERSON ERHARD:

18 On the question?

19

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

24 [The motion carried unanimously.]

25

1 MS. SIZEMORE:

2 I move to provisionally deny the
3 application of Julie Anne Kappers, D.H.

4 DR. LUGO:

5 Second.

6 CHAIRPERSON ERHARD:

7 On the question?

8

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

13 [The motion carried unanimously.]

14

15 DR. SEID:

16 I move to accept the application of
17 Denna Copenhaver.

18 MS. FOWLER:

19 Second.

20 CHAIRPERSON ERHARD:

21 On the question?

22

23 Hughes, aye; Lugo, aye; Schoenecker,
24 aye; Casey, aye; Fowler, aye; Seid, aye;
25 Sizemore, aye; Sullivan, aye; Jaspan,

1 aye; Dattilo, aye; and Erhard, aye.

2 [The motion carried unanimously.]

3 ***

4 MS. FOWLER:

5 I move to provisionally deny the
6 application to sit for the EFDA
7 examination of Bambi L. Volpe.

8 DR. SEID:

9 Second.

10 CHAIRPERSON ERHARD:

11 On the question?

12

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

17 [The motion carried unanimously.]

18 ***

19 Adjournment

20 CHAIRPERSON ERHARD:

21 I would entertain a motion to adjourn.

22 DR. LUGO:

23 So moved.

24 DR. DATTILO:

25 Second.

1 CHAIRPERSON ERHARD:

2 This meeting is adjourned.

3 ***

4 [There being no further business, the State Board of
5 Dentistry Meeting adjourned at 12:37 p.m.]

6 ***

7

8

9

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11

CERTIFICATE

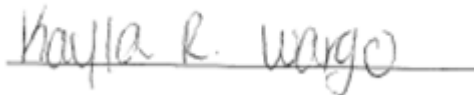
12

13 I hereby certify that the foregoing summary
14 minutes of the State Board of Dentistry meeting, was
15 reduced to writing by me or under my supervision, and
16 that the minutes accurately summarize the substance of
17 the State Board of Dentistry meeting.

18

19

20



21

Kayla R. Wargo,

22

Minute Clerk

23

Sargent's Court Reporting

24

Service, Inc.

25

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STATE BOARD OF DENTISTRY
REFERENCE INDEX
September 14, 2018

	TIME	AGENDA
1		
2		
3		
4		
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6		
7	9:01	Official Call to Order
8		
9	9:03	Introduction of Board and Audience
10		
11	9:05	Approval of Minutes
12		
13	9:06	Report of Prosecutorial Division
14		
15	9:23	Report of Board Counsel
16		
17	9:39	Status of Regulations
18		
19	9:47	Report of Board Chairperson
20		
21	9:56	Report of Committees
22		
23	10:15	For the Board's Information/Discussion
24		
25	10:30	Recess
26	10:48	Return to Open Session
27		
28	10:48	Executive Session
29	12:26	Return to Open Session
30		
31	12:26	Motions
32		
33	12:37	Adjournment
34		
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