



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
Division of Health Professions Licensure  
239 Causeway Street, Suite 500, 5<sup>th</sup> Floor, Boston, MA 02114

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COMMISSIONER

**MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY**

239 Causeway Street, Boston, MA 02114

Room 417

November 5, 2014

**AGENDA**

**8:30 a.m.**

- **Call to Order**
- **Determination of Quorum and Approval of Agenda**

**8:32 a.m.**

- **Discussion**  
**Public Health Dental Hygienists Issues**

**9:15 a.m.**

- **Dental Assistant Registration Concerns**  
**Deadline for Licensure**  
**Continuing Education Requirements: 234 CMR 8.02 (4), 234 CMR 8.05 (4), (6), (7) and (8)**  
**Minimum Hours for Occupational School DA Programs**

**10:00 a.m.**

- **Administrative Matters**  
**AADB Meeting Report**  
**Invitation from NERB**  
**Report: Limited/Faculty Licenses Issued**  
**Dental Assistant Licensure Update**  
**Re-Activation of Expired License: Dr. David Toma, DN19550**

**10:45 a.m.**

- **Probation Matters**  
**Ethics Courses**  
**DEN-2012-0032: Dr. Douglas Vrona—Approval of Expert Reviewer**  
**DEN-2009-0103: Dr. Shahab Afzaal—Notice of Violation/ Recommendation of**

**Further Discipline  
DEN-2012-0139: Dr. Jeffrey Stiles—Request for Reinstatement**

**11:05 a.m.**

- **Review of General Session Minutes**  
Meeting of September 3, 2014 (revised)  
Meeting of September 17, 2014

**11:15 a.m.**

- **Complaint Resolution—Pending Board Matters**  
DEN-2013-0208: Margaret Spang, RDH  
DEN-2013-0209: Dr. David Pellegrini  
SA-INV-6205: Dr. Chun-Yu Yogi Chen  
SA-INV-6230: Dr. Gregory Zirakian  
SA-INV-6244: Dr. Stephen Warner  
DEN-2013-0158: Dr. Eugene Khang

**11:40 a.m.**

- **Flex Session**

**11:45 a.m.**

- **Lunch Break**

**12:30 p.m.**

- **Executive Session (closed to the public)**  
The Board will meet in Executive Session as authorized pursuant to M.G.L. c.30A, § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.

Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients.

Specifically, the Board will discuss and evaluate the physical condition or mental health of an individual requesting reinstatement of licensure.

**2:30 p.m.**

- **M.G.L. c.112, §65C Session (closed to the public)**

**3:00 p.m.**

- **Adjournment**

**MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY**  
**239 Causeway Street, Boston, MA 02114**  
**Room 417**  
**GENERAL SESSION MINUTES**  
**November 5, 2014**

**Present:** Dr. Cynthia Stevens, Board Chair; Ms. Lois Sobel, RDH, Board Secretary; Dr. Stephen DuLong; Dr. David Samuels; Dr. Ward Cromer; Ms. Kathleen Held, RDH; Ms. Jacyn Stultz, RDH; Dr. Milton Glicksman; Ms. Ailish Wilkie, C.P.H.Q.; Dr. Keith Batchelder; Ms. Diane Grondin, CDA Dental Advisor.

**Absent:** None

*Dr. John Hsu arrived at 8:45 AM. Ms. Diane Grondin arrived at 8:35 AM.*

*Ms. Kathleen Held left the meeting for the day at 2:15PM.*

**Staff Present:** James Lavery, Director, Division of Health Professions Licensure; Barbara A. Young, Executive Director; Jeffrey Mills, Assistant Executive Director; Vita Berg, Esq., Chief Board Counsel; Samuel Leadholm, Esq., Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; OPP Investigators Sarah Millar, Eileen Mulligan, Kathleen O'Connell, Lisa Seeley-Murphy and Barbara Yates; and Probation Monitor Karen Fishman

**Motion:** At 8:30 a.m., to commence the meeting

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. Stephen DuLong

**Vote:** Unanimous

**Motion:** To adopt the proposed agenda for today's meeting.

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. Stephen DuLong

**Vote:** Unanimous

**Administrative Matters:**

**A. Public Health Dental Hygienists (PHDHs) - Update**

Mr. Ned Robinson-Lynch, Director of Division of Health Access at the Mass. Dept. of Public Health (DPH), Dr. Brent Martin, Dental Director of the Office of Oral Health (OOH) at the Mass. Dept. of Public Health, Ms. Marlene Barnett of OOH and Ms. Kathy Pelullo of the Mass. Dental Hygienists' Association were invited to address the Board on the issue of public health dental hygiene. Ms. Young informed the Board that she had

been informed approx. 45 PHDHs were currently approved Mass Health vendors yet the licensing database only indicated approx. 24 PHDHs currently held Permit M's for portable dental operations (PDOs). Ms. Sobel suggested the Board or OOH track the PHDHs through the Mass Health vendor list. Ms. Stultz reminded the Board why the category of PHDH was created – to increase the access to dental care. Ms. Stultz asked if it was possible to determine the no. of prophylaxis and sealants that were being billed to Mass Health; Dr. Martin replied that it was possible.

Ms. Stultz also asked if the Board knew of any situations where the public or a patient was harmed by a PHDH; Dr. DiFabio replied that two complaints are currently pending against PHDHs. Ms. Stultz opined there is a low percentage of risk to the public as evidenced by the small no. of complaints against PHDHs to date. Dr. DuLong noted that some PHDHs are billing for prophylaxis and scaling/root planing. Dr. Samuels suggested the Board require each PHDH to secure a Permit M in order to practice public health dental hygiene. Mr. Robinson-Lynch informed the Board that OOH does keep statistics on PHDHs practicing but is not confident OOH has been fully informed by practicing PHDHs as to the nature of their practice. Mr. Lavery noted DHPL and the Board still does not know who the PHDHs are that are practicing, where they are practicing nor their scope of practice which is problematic for DHPL and the Board should an issue arise. Dr. Batchelder suggested if the Board requires each PHDH to acquire a Permit M, then that means they would need to pay an additional permit fee which could make access to care more burdensome. Ms. Pelullo suggested adding questions to the next dental hygiene licensure renewal forms to determine who exactly is practicing as a PHDH. However Mr. Mills informed the Board the dental hygiene renewal questions have been finalized and these new questions would have to be added to the 2017 renewal forms.

Ms. Sobel suggested the Board ask each owner of a corporate PHDH business to inform the Board who the company has hired, the scope of each employee's practice and their qualifications to work as a PHDH.

**Motion:** To ask the current employers of PHDHs for a list of their PHDH employees and for a description of their current infection control protocols

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. John Hsu

Dr. Batchelder asked what will the cover letter state in asking for this information, i.e. how do we justify the request for this information?

**Amended Motion:** To review how the Board gathers its data on PHDHs and to confirm all currently practicing PHDHs are qualified to work as PHDHs

**Motion Made By:** Ms. Jacyn Stultz

**Second:** Ms. Ailish Wilkie

**Vote:**                   **In Favor:** Dr. Keith Batchelder; Dr. Ward Cromer; Dr. David Samuels; Ms. Lois Sobel; Dr. Milton Glicksman; Ms. Ailish Wilkie; Dr. John Hsu; Ms. Jacyn Stultz  
**Opposed:** Ms. Kathleen Held; Dr. Stephen DuLong  
**Abstain:** Dr. Cynthia Stevens

Dr. Batchelder agreed the Board needs this information in order to make an informed decision on whether each PHDH needs a Permit M; Dr. Samuels suggested the Board request a list of employees from each corporate PHDH owner and request information on how each PHDH employee follows the appropriate infection control protocols. Ms. Held questioned who is ordering radiographs on these patients and then reading the radiographs as the records indicate PHDHs are billing Mass Health for radiographs. Ms. Pelullo and Mr. Robinson-Lynch stated the MDHA and OOH are happy to assist in gathering this information from PHDHs.

**B.     Dental Assisting Regulations - Update**

Dr. Glicksman noted there is serious concern in the dental community, especially among dentists, on how dental assistants will be able to complete the requisite 12 CEUs by the first renewal deadline of Oct. 31, 2015. Dr. Glicksman noted he believed this issue should have been brought to the Board's attention through a special meeting of the Board but his request to hold a special meeting was denied by the Chair. Dr. Stevens replied she did not think a special meeting of the Board was required to address this issue but rather the issue could be addressed at the next scheduled Board meeting.

Ms. Grondin noted it should not be a problem for dental assistants to complete the requisite CEUs by Oct. 31<sup>st</sup> and suggested the Board consider increasing the no. of CEUs to 20 hours/credits as required for dental hygienists; Ms. Held agreed with the current requirement of 12 CEUs esp. with regards to on-the-job trained dental assistants.

Dr. Samuels expressed concern the Board will not be able to issue 16,000 licenses by the Dec. 31, 2014, deadline and suggested the Board should have extended the initial licensure period to Oct. 31, 2015. Mr. David White of the Mass. Dental Society asked if the Dec. 31, 2014, deadline date had been discussed in the public hearing; Atty. Berg replied it did not and stated the decision was made to go forward now due to the statutory requirements, i.e. no license can be issued for more than 2 years and the licenses must be renewed in odd years. Atty. Berg stated this left the Board with two choices: either delay the entire process for another year or go forward now realizing the first licensure cycle would be for less than two years. Atty. Berg advised the Board it can consider this shorter period if and when it reviews a complaint for unlicensed practice by a dental assistant.

**Motion:**                   **To consider any dental assistant who has submitted an initial licensure application by December 31, 2014, to be in compliance with the regulations**

**Motion Made By:**     Dr. Stephen DuLong

**Second:**                 Dr. David Samuels

**Vote:** **In Favor:** Dr. David Samuels; Ms. Lois Sobel; Dr. Milton Glicksman; Ms. Ailish Wilkie; Dr. John Hsu; Ms. Jacyn Stultz; Dr. Stephen DuLong; Ms. Kathleen Held  
**Opposed:** Dr. Keith Batchelder; Dr. Ward Cromer  
**Abstain:** Dr. Cynthia Stevens

Dr. Batchelder asked if there was any value in posting a notice on the Board's website of the anticipated processing delay; Dr. Samuels suggested the Board can consider that issue if and when it reviews a complaint. Atty. Berg advised the Board it may consider this issue on a case-by-case basis so a blanket policy is not advisable at this time.

**Motion:** **To require all licensed dental assistant to complete only 4-6 CEUs in the first licensure cycle, scheduled to end on Oct. 31, 2015, in two specific areas: Basic Life Support (BLS) for Healthcare Providers or CPR/AED and CDC Guidelines for Infection Control in the Dental Healthcare Setting**

**Motion Made By:** Dr. Milton Glicksman

**Second:** Dr. David Samuels

**Vote:** **In Favor:** Dr. David Samuels; Dr. Milton Glicksman; Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong  
**Opposed:** Dr. Keith Batchelder; Dr. Ward Cromer; Ms. Lois Sobel; Ms. Jacyn Stultz; Ms. Kathleen Held  
**Abstain:** Dr. Cynthia Stevens (voted NO to break tie)

**(Motion Failed)**

**Motion:** **To require all licensed dental assistant to complete only 4-6 CEUs in the first licensure cycle, scheduled to end on Oct. 31, 2015, in two specific areas: Basic Life Support (BLS) for Healthcare Providers or CPR/AED and CDC Guidelines for Infection Control in the Dental Healthcare Setting. If a dental assistant acquired certification in BLS or CPR/AED between Oct. 31, 2013, and Oct. 31, 2015, then that dental assistant need not repeat the certification course in order to renew his/her dental assistant license on Oct. 31, 2015.**

**Motion Made By:** Dr. David Samuels

**Second:** Dr. Milton Glicksman

**Vote:** **In Favor:** Dr. David Samuels; Dr. Milton Glicksman; Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong; Ms. Kathleen Held; Dr. Ward Cromer; Dr. Keith Batchelder  
**Opposed:** Ms. Lois Sobel; Ms. Jacyn Stultz  
**Abstain:** Dr. Cynthia Stevens

**Motion:** To post an Advisory Ruling on the Board's website regarding the no. of CEUs required for renewal of a dental assistant license by Oct. 31, 2015

**Motion Made By:** Dr. Keith Batchelder

**Second:** Ms. Lois Sobel

**Vote:** Unanimous

The Board asked Ms. Young and Atty. Leadholm to prepare an Advisory Ruling regarding the no. of CEUs required for renewal of dental assistant licenses for posting on the Board's website as soon as possible

Mr. White of the Mass. Dental Society raised the issue of limited licensees or dental students moonlighting as dental assistants asking if either could be licensed as a formally trained dental assistant. Dr. DuLong noted that BU dental students currently work as dental assistants for their fellow dental students but suggested those dental students who choose to work outside of BU's program as dental assistants would need to be licensed as dental assistants. Dr. Batchelder asked why a limited licensee couldn't work as a dental assistant; Mr. Mills replied the intent was to prevent the inappropriate use of a limited license. Dr. Glicksman noted a problem may arise with a limited licensee working as a dental assistant but completing procedures that are only to be provided by a licensed dentist. Atty. Berg advised the Board the regulations do prohibit a limited licensee or dental student from working as a dental assistant without a dental assisting license and that issue may have been addressed at the public hearing in 2011.

*The Board took its morning recess at 10:25AM and resumed at 10:35AM.*

### **C. AADB – Update**

Dr. Glicksman updated the Board on the topics discussed at the recent AADB meeting, including:

- Current treatment methods and diagnostic recommendations regarding sleep apnea
- Presentation on the current policies and procedures of Aspen Dental programs
- Corporate ownership of dental practices
- Assessment of fines by state boards for regulatory violations and/or investigations
- Random CEU auditing by state boards

Ms. Young also updated the Board on the status of the FTC lawsuit involving the North Carolina dental board; oral arguments before the US Supreme Court were held in late October 2014 and a decision should be issued within the next six months.

Ms. Sobel noted the Board did random CEU audits are some point but stopped that practice due to a lack of resources. Dr. Cromer noted this is an ongoing issue and suggested addressing the issue again at the December meeting. Ms. Wilkie asked if the

Board has the authority to assess fines; Atty. Leadholm advised the Board it already has the statutory authority to assess fines but the regulations are silent on this issue.

**D. NERB Annual Meeting – January 8-10, 2015 Orlando, FL**

Dr. Batchelder, Ms. Sobel, Dr. Glicksman, Ms. Wilkie and Ms. Stultz stated they were attending the NERB annual meeting in January 2015.

**E. Letter to Clinics/Community Health Centers regarding Limited Licenses**

Mr. Lavery provided a draft of a letter to be sent to each of the dental clinics, community health centers and dental schools impacted by the limited license issue last fall. Dr. Glicksman stated he was satisfied with the letter as written.

**Motion:** To adopt the proposed letter as written and to send a copy to each of the dental clinics/community health centers/dental schools impacted by the limited license issue last fall.

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. Keith Batchelder

**Vote:** **In Favor:** Dr. David Samuels; Dr. Milton Glicksman; Ms. Ailish Wilkie; Dr. John Hsu; Ms. Kathleen Held; Ms. Lois Sobel; Dr. Ward Cromer; Dr. Keith Batchelder; Ms. Jacyn Stultz  
**Opposed:** None  
**Abstain:** Dr. Stephen DuLong; Dr. Cynthia Stevens

**F. Application for Reactivation of an Expired Dental License – Dr. David Toma, DN19550**

Mr. Mills provided a memo that indicated Dr. Toma's dental license expired on March 31, 2006, and that Dr. Toma was seeking to reactivate his license. Mr. Mills noted Dr. Toma answered "no" to the question regarding any disciplinary actions by other state boards yet Board staff had received a report from the National Practitioner's Data Bank indicating Dr. Toma was involved in an adverse event in California in Sept. 2005 that resulted in a patient's death. Dr. Toma entered into a settlement of \$170,000 in Oct. 2006 that was divided equally between Dr. Toma and two other practitioners. Mr. Mills reported the California dental board did not pursue any formal disciplinary action against Dr. Toma.

Ms. Wilkie asked if the settlement was paid to the patient's family; Mr. Mills noted Dr. Toma did not report the patient's death to the Board. Dr. Batchelder noted Dr. Toma was licensed by the Board in 2005 and therefore this incident is not an issue for this Board.

Ms. Wilkie asked if it was known if Dr. Toma was seeking to practice dentistry in Massachusetts; Dr. Batchelder noted that when he applied for a dental license in Maine, the Maine dental board insisted on knowing if he was going to practice in Maine.



**Motion:** To approve the reactivation of Dr. David Toma's expired dental license, DN19550

**Motion Made By:** Dr. David Samuels

**Second:** Dr. Keith Batchelder

**Vote:** Unanimous

**G. Probation Matters**

**1. Ethics Courses Required by Consent Agreements**

Probation Monitor Karen Fishman informed the Board numerous licensees who are subject to Consent Agreements that require the successful completion of continuing education courses on ethics are having difficulty locating courses as not many are routinely offered by the dental schools, MDS, etc. Dr. Batchelder asked if it is appropriate for the Board to suggest BU offer more ethics courses; Ms. Wilkie replied that it is not appropriate for the Board to be seen endorsing any one course over another. Ms. Fishman noted Ms. Sarkis, an attorney who frequently offers this course at BU, may be adding courses to her schedule. Dr. Cromer noted he is not willing to agree to an online ethics course as an alternative to a live course. Dr. Samuels noted that several professional organizations, such as the MDS, offer regular ethics courses.

Ms. Fishman noted three dental hygienists are currently required to complete an ethics course, pursuant to their Consent Agreements, by Dec. 18, 2014, and asked if it was okay for her to inform the hygienists they can take an online ethics course.

**Motion:** To permit the three dental hygienists to complete an online ethics course pursuant to the terms of their individual Consent Agreements

**Motion Made By:** Dr. David Samuels

**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

Ms. Wilkie suggested the Board send a letter to BU and the other dental schools suggesting they offer ethics courses. Dr. Samuels noted he will discuss this issue with the staff at the MDS. Atty. Leadholm advised it is unknown how many licensees will actually need an ethics course so the Board cannot guarantee the no. of potential students to BU or the other schools/organizations.

**2. Complaint Resolution - Probation Monitor Karen Fishman**

**--In the Matter of DEN-2012-0032: Dr. Douglas Vrona**

**Subject: Approval of Expert Reviewer**

*The licensee was not present for the discussion and vote of the Board on this matter.*

*Dr. Milton Glicksman recused himself from the discussion and vote of the Board on complaint DEN-2012-0032: Dr. Douglas Vrona.*

Ms. Fishman informed the Board Dr. Vrona has submitted the name of an expert to monitor his practice pursuant to the terms of Dr. Vrona's Consent Agreement. Dr. Cromer asked how the expert would know what he/she is being asked to do; Ms. Fishman replied the expert would be given a copy of Dr. Vrona's Consent Agreement.

**Motion:** **To approve the expert submitted by Dr. Vrona as a possible practice monitor**

**Motion Made By:** Ms. Ailish Wilkie

**Second:** Dr. Stephen DuLong

**Vote:** **In Favor:** Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong; Ms. Kathleen Held; Dr. Ward Cromer; Dr. Keith Batchelder; Ms. Lois Sobel; Ms. Jacyn Stultz  
**Opposed:** None  
**Abstain:** Dr. David Samuels; Dr. Cynthia Stevens

**3. Complaint Resolution – Probation Monitor Karen Fishman**

**In the Matter of DEN-2009-0103: Dr. Shahab Afzaal**

**Subject: Notice of Violation and Recommendation of Further Discipline**

*Vincent Dunn, Esq. appeared on behalf of the Licensee who is unable to attend; Atty. Dunn was present for the discussion of the Board on this matter.*

Ms. Fishman reported that she had not heard from the licensee recently; Atty. Dunn informed the Board the licensee is currently in Pakistan due to family issues and his return to the US is questionable. Ms. Wilkie suggested a note be included in the database; Ms. Fishman stated the licensee's license is currently listed as "expired while on probation" in the Board's licensing database and asked if that should remain unchanged. The Board replied yes.

**4. Complaint Resolution – Probation Monitor Karen Fishman**

**In the Matter of DEN-2012-0139: Dr. Jeffrey Stiles**

**Subject: Request for Reinstatement**

*Vincent Dunn, Esq. appeared on behalf of the Licensee who is unable to attend; Atty. Dunn was present for the discussion and vote of the Board on this matter.*

Ms. Fishman reported the licensee has complied with all terms of his Consent Agreement and is seeking to have his dental license reinstated. Ms. Wilkie asked if the

licensee was seeking to reinstate his license effective today or on Dec. 19, 2014, as indicated in the Consent Agreement; Ms. Fishman replied on Dec. 19, 2014.

**Motion:** To reinstate Dr. Jeffrey Stiles's dental license effective 12/19/14

**Motion Made By:** Ms. Ailish Wilkie

**Second:** Dr. Stephen DuLong

**Vote:** Unanimous

#### **H. General Session (Amended) Minutes of September 3, 2014**

**Motion:** To adopt the General Session (Amended) Minutes of Sept. 3, 2014

**Motion Made By:** Dr. Milton Glicksman

**Second:** Ms. Lois Sobel

**Vote:** Unanimous

#### **I. General Session Minutes of September 17, 2014**

**Motion:** To adopt the General Session Minutes of Sept. 17, 2014

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. John Hsu

**Vote:** **In Favor:** Dr. Milton Glicksman; Dr. Stephen DuLong; Dr. John Hsu; Ms. Jacyn Stultz; Ms. Kathleen Held; Ms. Lois Sobel; Dr. Ward Cromer  
**Opposed:** None  
**Abstain:** Dr. Keith Batchelder; Dr. David Samuels; Ms. Ailish Wilkie; Dr. Cynthia Stevens

#### **J. Flex Session**

1. January 7, 2015, BORID meeting and January 21, 2015, Regulatory Review Workgroup meeting

Ms. Young asked the Board members who was available to attend the January 7<sup>th</sup> Board meeting and the January 21<sup>st</sup> workgroup meeting. Five Board members indicated they were not able to attend the Jan. 7<sup>th</sup> meeting due to their attendance at the NERB annual meeting in Orlando, FL (Dr. Batchelder, Ms. Sobel, Dr. Glicksman, Ms. Wilkie and Ms. Stultz). Dr. Samuels suggested postponing the BORID meeting until January 28, 2015, to focus on the upcoming elections and suggested holding off the Executive Session matters until the February 4, 2015, meeting. The Board members agreed to cancel the January 7<sup>th</sup> BORID meeting and reschedule this meeting for Wednesday, January 28, 2015.

The Board also agreed to schedule the first meeting of the Regulatory Review Workgroup on Wednesday, January 21, 2015.

2. Ms. Wilkie asked if the statistics on complaints were ready for consideration by the Board; Ms. Young replied she hoped to provide this information to the Board at the Jan. 28<sup>th</sup> meeting. Ms. Wilkie stated she would like to know how many proposed consent agreements have been accepted by licensees in the last three years and how many proposed consent agreements are pending; Atty. Leadholm advised that he is currently working on nine consent agreements, all primarily from the last BORID meeting.

3. Ms. Young informed the Board that its members have been invited to participate in the next CODA accreditation visit at several locations including the Tufts University School of Dental Medicine, the Harvard University School of Dental Medicine, the Berkshire Medical Center, the Northern Essex Community College, the Mount Ida College and the Charles H. McCann Technical School. If any Board member is interested in participating, Ms. Young stated he/she must respond to CODA by November 14, 2014. Dr. DuLong stated he might be interested.

4. Ms. Young asked the Board for advice on how to improve the monthly meetings to make them run more efficiently and smoothly. Ms. Sobel suggested meeting twice a month and separating the agendas. Ms. Grondin noted the Board used to hold a complaint committee meeting once each month but abandoned that practice several years ago. Ms. Wilkie noted that during the last five years, the Board met once per month, the meetings usually concluded by 1PM and there was less discussion on each matter. Ms. Wilkie opined the meetings have not been run very efficiently. Dr. DuLong noted a significant change has been the inclusion of licensees and suggested if the Board was to continue that practice, the Board limit the discussion by the licensee to 5 mins. Dr. Batchelder disagreed noting the Board is discussing a licensee's livelihood. Dr. Samuels suggested the Board approve more staff action, hold working lunches and refer more matters to workgroups for study. Dr. Cromer suggested the chair call for a motion or vote much sooner on each matter.

5. Ms. Stultz asked the Board when it would like to hold the next election as the weather in January is questionable at best. Ms. Wilkie noted the Board decided to hold its elections at the December 2014 meeting with the winners to assume their responsibilities at the January 2015 meeting. Atty. Leadholm advised the Board it cannot hear a motion on changing the election date at this time as it is in flex session. Ms. Wilkie asked to have the elections put on the agenda for the December 2014 meeting.

**Complaint Resolution—Investigator Lisa Seeley-Murphy**

**--In the Matter of DEN-2013-0208: Margaret E. Spang, RDH**

*The licensee was not present for the discussion and vote of the Board on this matter.*

**Allegation:** Unlicensed Practice of Dental Hygiene; Non-Compliance with CEU requirements

**Discussion:** Investigator Seeley-Murphy informed the Board the licensee's dental hygiene license expired in March 2013 but the licensee did not discover it had expired until November 2013. The licensee completed a local anesthesia course in March 2011 and believed the 56 CEUs she earned for this course fulfilled her obligations for the 2011-2013 licensure cycle. The licensee did complete the requisite recertification course on CPR/AED.

**Motion:** **To offer a Consent Agreement for a Reprimand.**

**If this agreement is not accepted by Licensee, the matter will be referred to Prosecution.**

**Motion Made By:** Ms. Ailish Wilkie

**Second:** Dr. Keith Batchelder

**Vote:** Unanimous

**Complaint Resolution—Investigator Lisa Seeley-Murphy**

**--In the Matter of DEN-2013-0209: Dr. David A. Pellegrini**

*The licensee was not present for the discussion and vote of the Board on this matter.*

**Allegation:** Employment of an Unlicensed Dental Hygienist

**Discussion:** Investigator Seeley-Murphy informed the Board this licensee is the employer of Margaret E. Spang, RDH. Ms. Seeley-Murphy also stated this licensee failed to complete the requisite pain management course for the 2010-2012 licensure cycle. The licensee did complete a pain management course in Feb. 2014

**Motion:** **To offer a Consent Agreement for Stayed Probation for 3 Months to include the following remedial coursework:**

- **3 Hours: Pain Management**

**If this agreement is not accepted by the licensee, the matter will be referred to prosecution.**

**Motion Made By:** Ms. Ailish Wilkie

**Second:** None

**Amended Motion:** **To dismiss complaint with an advisory letter on CEU requirements.**

**Amended Motion Made By:** Ms. Ailish Wilkie

**Second:** Dr. Stephen DuLong

**Vote:** Unanimous

**Complaint Resolution—Investigator Lisa Seeley-Murphy**

**--In the Matter of SA-INV-6205: Dr. Chun-Yu Yogi Chen**

*The licensee was not present for the discussion and vote of the Board on this matter.*

**Allegation:** Advertising Violations

**Discussion:** Investigator Seeley-Murphy informed the Board this licensee immediately changed his advertising practices when informed his postcard advertising a free service without a comparative monetary value and no named dentist was inappropriate.

**Motion:** **To not open a complaint but to issue an advisory letter on the advertising regulations.**

**Motion Made By:** Dr. Milton Glicksman

**Second:** Dr. Ward Cromer

**Vote:** Unanimous

**Complaint Resolution—Investigator Lisa Seeley-Murphy**

**--In the Matter of SA-INV-6230: Dr. Gregory G. Zirakian**

*The licensee was not present for the discussion and vote of the Board on this matter.*

**Allegation:** Inferior Treatment

**Discussion:** After the presentation of the complaint by Investigator Seeley-Murphy, the Board opted to not discuss the matter.

**Motion:** **To not open a complaint but to issue an advisory letter on the record keeping regulations.**

**Motion Made By:** Dr. Milton Glicksman

**Second:** Dr. John Hsu

**Vote:** Unanimous

**Complaint Resolution—Investigator Lisa Seeley-Murphy**

**--In the Matter of SA-INV-6244: Dr. Stephen M. Warner**

*The licensee was not present for the discussion and vote of the Board on this matter.*

**Allegation:** Patient Abandonment

**Discussion:** After the presentation of the complaint by Investigator Seeley-Murphy, the Board opted to not discuss the matter.

**Motion:** **To not open a complaint as no evidence of violation found.**

**Motion Made By:** Ms. Ailish Wilkie

**Second:** Dr. Milton Glicksman

**Vote:** Unanimous

**Complaint Resolution—Investigator Sarah Millar**

**--In the Matter of DEN-2013-0158: Dr. Eugene Khang**

*The licensee was not present for the discussion and vote of the Board on this matter.*

**Allegation:** Infection Control Violations

**Discussion:** Dr. Glicksman noted he had problems understanding the details of the complaint as it was difficult to read the complaint. Atty. Leadholm advised the Board it had no jurisdiction over complaints regarding employment issues. Ms. Grondin suggested the complaint be referred to the Bureau of Labor. Atty. Leadholm advised the Board if the complainant is alleging a hostile work environment, then the complainant should contact the MCAD.

**Motion:** **To offer a Consent Agreement for Probation for 6 Months to include the following remedial coursework:**

- **3 Hours: Infection Control**
- **3 Hours: Pain Management**

**If this agreement is not accepted by the licensee, the matter will be referred to prosecution.**

**Motion Made By:** Dr. John Hsu

**Second:** Ms. Lois Sobel

**Amended Motion:** To offer a Consent Agreement for Probation for 6 Months to include the following remedial coursework:

- 3 Hours: Infection Control
- 3 Hours: Pain Management
- 3 Hours: Risk Management
- 3 Hours: Record Keeping
- 3 Hours: Managing Emergency Procedures in a Dental Office

**If this agreement is not accepted by the licensee, the matter will be referred to prosecution.**

**Amended Motion Made By:** Ms. Ailish Wilkie

**Second:** Ms. Lois Sobel

**Vote:** **In Favor:** Dr. David Samuels; Dr. Keith Batchelder; Ms. Lois Sobel; Ms. Kathleen Held; Ms. Ailish Wilkie; Dr. Stephen DuLong; Dr. Ward Cromer; Ms. Jacyn Stultz; Dr. John Hsu  
**Opposed:** Dr. Milton Glicksman  
**Abstain:** Dr. Cynthia Stevens

*The Board recessed for lunch at 12:10PM and resumed at 12:50PM.*

*At 12:52PM, Dr. Stevens announced that the Board will meet in closed session as authorized pursuant to M.G.L. c. 30A, §21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual to be immediately followed by a M.G.L. c.112, §65C closed session. Specifically, the Board will meet in Executive Session and will discuss and evaluate the Good Moral Character as required for registration of pending applicant(s) for licensure. Additionally, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients. The Board will also approve prior Executive Session minutes in accordance with M.G.L. c. 30A, §22(f). Executive Session is closed to members of the public, except as provided for in M.G.L. c. 30A, §21(a) (1). At the conclusion of the Executive Session and the §65C session, the Board will not return to open session but will adjourn for the day.*

**Motion:** At 12:52PM, to enter Executive Session pursuant to M.G.L. c. 30A, §21(a)(1)

**Motion Made By:** Dr. Stephen DuLong

**Second:** Ms. Lois Sobel



**Vote:** **In Favor:** Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong; Ms. Kathleen Held; Dr. Ward Cromer; Dr. Keith Batchelder; Ms. Lois Sobel; Ms. Jacyn Stultz; Dr. David Samuels; Dr. Milton Glicksman  
**Opposed:** None  
**Abstain:** Dr. Cynthia Stevens

*Ms. Kathleen Held left the meeting for the day at 2:15PM.*

**Motion:** **At 2:22PM, to leave Executive Session**

**Motion Made By:** Dr. David Samuels

**Second:** Dr. Stephen DuLong

**Vote:** **In Favor:** Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong; Dr. Ward Cromer; Dr. Keith Batchelder; Ms. Lois Sobel; Ms. Jacyn Stultz; Dr. David Samuels; Dr. Milton Glicksman  
**Opposed:** None  
**Abstain:** Dr. Cynthia Stevens

**Motion:** **At 2:23PM, to Enter M.G.L. c. 112, §65C Session**

**Motion Made By:** Ms. Lois Sobel

**Second:** Ms. Ailish Wilkie

**Vote:** **In Favor:** Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong; Dr. Ward Cromer; Dr. Keith Batchelder; Ms. Lois Sobel; Ms. Jacyn Stultz; Dr. David Samuels; Dr. Milton Glicksman  
**Opposed:** None  
**Abstain:** Dr. Cynthia Stevens

**Motion:** **At 2:43PM, to leave M.G.L. c. 112, §65C Session**

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. John Hsu

**Vote:** **In Favor:** Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong; Dr. Ward Cromer; Dr. Keith Batchelder; Ms. Lois Sobel; Ms. Jacyn Stultz; Dr. David Samuels; Dr. Milton Glicksman  
**Opposed:** None  
**Abstain:** Dr. Cynthia Stevens

**Motion:** At 2:44PM, to enter an Executive Session pursuant to M.G.L. c. 30A, §21(a)(1)

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. Stephen DuLong

**Vote:** **In Favor:** Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong; Dr. Ward Cromer; Dr. Keith Batchelder; Ms. Lois Sobel; Ms. Jacyn Stultz; Dr. David Samuels; Dr. Milton Glicksman  
**Opposed:** None  
**Abstain:** Dr. Cynthia Stevens

**Motion:** At 3:05PM, to leave Executive Session

**Motion Made By:** Ms. Lois Sobel

**Second:** Dr. Stephen DuLong

**Vote:** **In Favor:** Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong; Dr. Ward Cromer; Dr. Keith Batchelder; Ms. Lois Sobel; Ms. Jacyn Stultz; Dr. David Samuels; Dr. Milton Glicksman  
**Opposed:** None  
**Abstain:** Dr. Cynthia Stevens

**Motion:** At 3:06PM, to Adjourn the Meeting

**Motion Made By:** Dr. Milton Glicksman

**Second:** Dr. Stephen DuLong

**Vote:** **In Favor:** Ms. Ailish Wilkie; Dr. John Hsu; Dr. Stephen DuLong; Dr. Ward Cromer; Dr. Keith Batchelder; Ms. Lois Sobel; Ms. Jacyn Stultz; Dr. David Samuels; Dr. Milton Glicksman  
**Opposed:** None  
**Abstain:** Dr. Cynthia Stevens

Respectfully submitted,

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Ms. Lois Sobel, RDH Board Secretary

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Date