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 Department of Public Health
 Bureau of Health Professions Licensure
 Board of Registration in Dentistry
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COMMONWEALTH OF MASSACHUSETTS

**NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
 BOARD OF REGISTRATION IN DENTISTRY**

November 1, 2017
 239 Causeway Street ~ Room 417 A&B
 Boston, Massachusetts 02114

AGENDA

If you need reasonable accommodations in order to participate in the meeting, contact the DPH ADA Coordinator Beth Rabasco, Phone: 617-624-5291 in advance of the meeting. While the Board will do its best to accommodate you, certain accommodations may require distinctive requests or the hiring of outside contractors and may not be available if requested immediately before the meeting.

Time	#	Item	Exhibits	Contact
8:30 a.m.	I	CALL TO ORDER, DETERMINATION OF QUORUM, AND APPROVAL OF AGENDA		
8:31	II	<p>EXECUTIVE SESSION (closed to the public)</p> <p>The Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, § 21(a)(1) for the purposes 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 an individual.</p> <p>Specifically, the Board will discuss and evaluate the Good Moral Character of applicants for licensure.</p> <p>Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients.</p>		

10:00	III	ADMINISTRATIVE MATTERS 1. Financial Concerns of Dental Licensure Applicants Who Do Not Take ADEX—Dr. Mary Jane Hanlon 2. Review of CE Course on Safe and Effective Prescribing for Pain Management—Dr. Howard Pactovis 3. GMC Report 4. Probation Monitor Report 5. Review of Minutes—General Session of September 6, 2017 6. Review of Minutes—General Session of October 4, 2017 7. Review of Minutes and Approval of Recommendations—Complaint Committee General Session of October 4, 2017 8. Nominations for Election of 2018 Board Chair and Secretary	Letter, Supporting Documents, Curricular Materials, Reports, Draft Minutes	B. Young, K. Fishman
11:00	IV	FLEX SESSION		
11:10 p.m.	V	COMPLAINT RESOLUTION 1. DEN-2017-0014: Dr. David Hirsh 2. DEN-2015-0136: Dr. Neelima Ravi 3. DEN-2016-0074: Dr. Jongil Park 4. DEN-2017-0011: Dr. Sarah Hart	Memos, Investigation Reports, Attachments	E. Mulligan, B. Yates, S. Millar, K. O'Connell
12:00 p.m.		ADJOURNMENT		

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417
GENERAL SESSION MINUTES
November 1, 2017

Present: Dr. Stephen DuLong, Board Chair; Dr. Paul Levy; Dr. John Hsu (arrived 9:23 a.m.); Ms. Kathleen Held, RDA; Dr. Cynthia Stevens; Dr. David Samuels; Ms. Jacyn Stultz, RDH.

Absent: Dr. Ward Cromer; Ms. Ailish Wilkie, Board Secretary; Dr. Patricia Wu; Ms. Lois Sobel, RDH.

Board Staff Present: Jeffrey Mills, Asst. Executive Director; Samuel Leadholm, Esq., Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; OPP Investigators Eileen Mulligan, Kathleen O'Connell, Danielle Taylor, Sarah Millar and Barbara Yates; Lauren Nelson, Esq., BHPL Policy Director; Vanessa Lapierre, Office Support Specialist.

Dr. DuLong called the meeting to order at 8:30 a.m. and asked Assistant Executive Director Jeffrey Mills to introduce Lauren Nelson, Esq., BHPL Policy Director. Ms. Nelson provided a brief summary of her experience at the State House and with the Department of Public Health.

Motion: At 8:34 a.m., to adopt the proposed agenda for today's meeting

Motion Made By: Ms. Jacyn Stultz

Second: Dr. Cynthia Stevens

Vote: Unanimous

At 8:35 a.m., Dr. DuLong 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. 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. 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, the Board will return to an open session and to adjourn the meeting for the day.

Motion: At 8:36 a.m., to enter Executive Session pursuant to M.G.L. c. 30A, §21(a)(1)

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Kathleen Held

Roll-Call Vote: **In Favor:** Dr. Stephen DuLong; Dr. Paul Levy; Dr. John Hsu; Ms. Kathleen Held; Dr. Cynthia Stevens; Dr. David Samuels; Ms. Jacyn Stultz
Opposed: None
Abstain: None

Dr. John Hsu arrived for the meeting at 9:23 a.m.

The Board took its morning recess at 9:40 a.m. and resumed its open meeting at 9:50 a.m.

Administrative Matters:

Dr. Stephen DuLong recused from the vote for this matter, but did participate in the discussion.

1. Financial Concerns of Dental Licensure Applicants Who Do Not Take the ADEX

Dr. Mary Jane Hanlon of Tufts University School of Dental Medicine presented to the Board the statistics of the financial burden for dental students to take the DSE portion of an ADEX exam (such as CDCA) after having successfully completed the WREB exam. (The additional cost for the student to take the DSE portion of CDCA is \$990, but as the WREB exam costs \$141 more than the complete CDCA exam, the additional cost to the student taking WREB plus DSE of CDCA is \$1131.) Dr. Hanlon is an examiner for WREB and has recently become a CDCA examiner.

Dr. DuLong provided some historical information for the discussion. In 1986, the Board reviewed regional and state dental licensure examinations and formulated a policy statement requiring licensure candidates who took exams other than ADEX (NERB at that time, now CDCA; some other regional and state exams are also ADEX), to successfully complete the DSE (written) portion of the ADEX exam in addition to the regional or state clinical examination. At that time, the Board was concerned that the written portion of WREB was not equivalent to the DSE of ADEX. Subsequently, this policy regarding examinations became part of the Board's regulations. Dr. DuLong continued by saying that the WREB exam will change again in 2018. In the "written" WREB, there will be three case studies, one of which is a pedodontic case. The DSE of the CDCA, on the other hand, includes case studies plus other questions, including some related to periodontics.

Dr. Hanlon advised the Board that many states accept the WREB examination, and that many states also accept CDCA. Dr. DuLong informed the Board that CDCA is accepted by 53 jurisdictions; WREB is accepted by 29 jurisdictions.

Dr. DuLong announced that in Flex Session he will propose a workgroup to review all regional exams as well as the upcoming ADA OSCE.

Dr. Hanlon related to the Board that initial pass rates from Tufts students taking the CDCA last year were discouraging, and that this caused some emotional issues. After the re-take of the patient-centered exam, however, the pass rate was 98%. Very few students had to re-take more than one portion of the exam. Dr. DuLong noted that the initial pass rate of WREB has traditionally been higher than CDCA's initial pass rate.

Ms. Stultz noted that dental hygienists are more restricted than dentists as far as licensure portability, since the number of states accepting more than one regional board examination is lower than it is for dentists.

Dr. Hsu asked Dr. Hanlon if she has a reason for the low pass rate among Tufts students taking CDCA last year, to which she replied that she does not know.

Dr. DuLong indicated he would recuse from the vote, due to his involvement in CDCA.

Motion: **To maintain the current policy regarding regional and state dental licensure examinations.**

Motion Made By: Dr. David Samuels

Second: Ms. Jacyn Stultz

Vote: **In Favor:** Dr. Paul Levy; Dr. David Samuels;
Ms. Kathleen Held; Dr. Cynthia Stevens; Ms. Jacyn Stultz;
Dr. John Hsu

Opposed: None
Abstain: Dr. Stephen DuLong

2. Review of CE Course on Safe and Effective Prescribing for Pain Management Offered by Dr. Howard Pactovis

Dr. Howard Pactovis presented to the BORID his curriculum for a Continuing Education course on safe and effective prescribing for pain management. Dr. DuLong indicated that the Board has reviewed two such courses previously, and that the providers of these courses had supplied the Board with curriculum vitae. Dr. DuLong noted the Dr. Pactovis's resume was not presented. Dr. Pactovis believes this may have been an omission on someone's part, but he will provide this information to the Board.

Attorney Leadholm advised the Board that its task is to set standards for acceptance of courses covering this topic. He noted that many of the materials presented to the Board by Dr. Pactovis date back many years. He pointed to an article from 2004 which discusses pseudo-addiction. Dr. Pactovis asked if the definition of this term has changed. Attorney Leadholm indicated that the term is no longer used by other experts in the field. Ms. Stultz also questioned some of the information in the presentation. She suggested that in many academic circles the aim is to present information from evidence-based sources published within the past five years.

Mr. Mills asked Dr. Pactovis about his recent history of counseling patients with chronic pain, to which Dr. Pactovis indicated that Board members should be aware that he entered an agreement with the Board not to practice dentistry in 2011, so he has no direct recent experience in counseling such patients.

Dr. Samuels also asked Dr. Pactovis about his sources. Dr. Pactovis stated that he references a lot of his material from the Internet, because he views the opioid crisis as topical and changing.

Motion: **To defer a decision until more information is received, to include curriculum vitae, references, and clarification of selection of recent evidence-based sources.**

Motion Made By: Dr. Cynthia Stevens

Second: Dr. John Hsu

Vote: **In Favor:** Dr. Stephen DuLong; Dr. David Samuels;
Ms. Kathleen Held; Dr. Cynthia Stevens; Ms. Jacyn Stultz;
Dr. John Hsu
Opposed: None
Abstain: Dr. Paul Levy

3. GMC Licensure Report – Executive Director Barbara A. Young, RDH

Pursuant to BORID Policy 14-01, the following licenses were issued between 9/7/17 and 11/1/17:

Danielle Verrochi	Dentist Hygienist	DH89470	issued 10/2/17
Ayesha Sattar	Dental Assistant	DA09719	issued 9/26/17
Larissa M. Bodnar	Dental Assistant	DA09745	issued 10/12/17
Shannon J. Johnson	Dental Assistant	DA09773	issued 10/13/17

4. Probation Monitor Monthly Report

Mr. Mills presented the monthly probation report from Ms. Karen Fishman. The Board had no questions or concerns about the monthly report.

5. Review of the General Session Minutes of September 6, 2017

Motion: To approve the General Session Minutes of September 6, 2017

Motion Made By: Ms. Jacyn Stultz

Second: Dr. Paul Levy

Vote:
In Favor: Ms. Jacyn Stultz; Dr. Stephen DuLong; Ms. Kathleen Held;
Dr. Paul Levy; Dr. Cynthia Stevens; Dr. John Hsu
Opposed: None
Abstain: Dr. David Samuels

6. Review of the General Session Minutes of October 4, 2017

Motion: To adopt the General Session Minutes of October 4, 2017

Motion Made By: Ms. Jacyn Stultz

Second: Dr. John Hsu

Vote:
In Favor: Ms. Jacyn Stultz; Dr. Stephen DuLong; Ms. Kathleen Held;
Dr. Paul Levy; Dr. Cynthia Stevens; Dr. John Hsu
Opposed: None
Abstain: Dr. David Samuels

7. Review of the Complaint Committee General Session Minutes of October 4, 2017

Motion: To approve the General Session Minutes of October 4, 2017
Complaint Committee Meeting

Motion Made By: Dr. John Hsu

Second: Dr. Paul Levy

Vote: **In Favor:** Dr. Paul Levy; Dr. John Hsu
Opposed: None
Abstain: None

Motion: To adopt the recommendations of October 4, 2017 Complaint
Committee Meeting General Session

Motion Made By: Ms. Jacyn Stultz

Second: Dr. Paul Levy

Vote: **In Favor:** Dr. Stephen DuLong; Dr. John Hsu; Dr. Paul Levy; Dr.
David Samuels; Dr. Cynthia Stevens; Ms. Jacyn Stultz; Ms. Kathleen
Held
Opposed: None
Abstain: None

8. Nominations for Election of Board Chair and Secretary for 2018

Dr. John Hsu nominated Dr. Stephen DuLong for Board Chair.
Ms. Kathleen Held nominated Ms. Ailish Wilkie for Secretary.
Dr. John Hsu nominated himself for Secretary.

Flex Session

Dr. John Hsu expressed a concern that the process for prior authorization for MassHealth benefits is very complicated for patients and would like to know if there is anything the Board can say or do to ease patient access to care. Attorney Leadholm stated he is not sure the Board has the authority to advise another state agency. However, he will talk with others in the legal department. Ms. Nelson advised that the Board might not be turned away if the Board were to offer a statement to the Department of Public Health expressing this concern.

Dr. DuLong announced that he will put an item on the December Board meeting agenda to form a clinical competency examination taskforce to explore licensure issues for the 2018-19 cycle and future cycles.

Attorney Leadholm informed the Board that the Regulatory Review Workgroup is continuing an in-depth review of 234 CMR 5.00 and 4.00.

Ms. Stultz attended the recent ADA meeting in Atlanta. She reported poor attendance. She also shared a concern that matters coming before the Complaint Committee and the Board indicate that many dentists are not compliant with the statutory requirement for continuing education in safe and effective prescribing for effective pain management during each renewal cycle. She suggests the Board consider more stringent sanctions than an advisory letter. Dr. DuLong opined that fines have been effective for such non-compliance issues in other jurisdictions. Attorney Leadholm stated that the Board could make this an agenda item, proposing that it consider that, commencing on a specific date, a licensee who is found not to be in compliance with this requirement would have her/his license placed on probation for a period of six months, for example, and that this could be accomplished through a staff action policy.

Complaint Resolution:

Emergency Matter: Complaint Resolution – Investigator(s) Barbara Yates/ Kathleen O’Connell

--In the Matter of SA-INV-12283 Dr. Irina Deresh

The Licensee was not present for the discussion and votes of the Board on this matter.

- Allegation(s):** Infection control practice violation; administration of anesthesia violations.
- Materials Reviewed:** Memo from Investigators Barbara Yates/ Kathleen O’Connell; Investigative Report; Photographs; Agreement Not to Practice.
- Discussion:** Investigators and Attorney Leadholm provided a chronology of the unannounced inspection of the Licensee’s facility, the results of the inspection, and the subsequent offering of a voluntary non-disciplinary agreement not to practice which the Licensee has signed.
- Motion:** **To ratify the Agreement Not to Practice.**
- Motion Made By:** Dr. John Hsu
- Second:** Dr. David Samuels

Vote: **In Favor:** Dr. Stephen DuLong; Dr. Paul Levy; Dr. John Hsu; Ms. Kathleen Held; Dr. Cynthia Stevens; Dr. David Samuels; Ms. Jacyn Stultz
Opposed: None
Abstain: None

Motion: **To open as a formal complaint with the allegations of Infection Control Violations and Anesthesia Administration Violations.**

Motion Made By: Dr. David Samuels

Second: Dr. John Hsu

Vote: **In Favor:** Dr. Stephen DuLong; Dr. Paul Levy; Dr. John Hsu; Ms. Kathleen Held; Dr. Cynthia Stevens; Dr. David Samuels; Ms. Jacyn Stultz
Opposed: None
Abstain: None

Motion: **To authorize Executive Director Barbara A. Young, upon receipt of satisfactory demonstration of complete remediation of all items enumerated in the Agreement Not to Practice, to terminate the Agreement with the Licensee, restoring the Licensee's ability to practice.**

Motion Made By: Dr. David Samuels

Second: Dr. Cynthia Stevens

Vote: **In Favor:** Dr. Stephen DuLong; Dr. Paul Levy; Dr. John Hsu; Ms. Kathleen Held; Dr. Cynthia Stevens; Dr. David Samuels; Ms. Jacyn Stultz
Opposed: None
Abstain: None

Complaint Resolution – Investigator Eileen Mulligan

--In the Matter of DEN-2017-0014: Dr. David Hirsh

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

Allegation(s): General Practice Standards

Materials Reviewed: Investigative Report with attachments

Discussion: After Ms. Mulligan presented a summary of the matter, the Board did not engage in discussion.

Motion: **To dismiss the matter and to send an advisory letter regarding the importance of timely compliance with mandatory continuing education requirements, and with laws and regulations pertaining to employing currently licensed dental auxiliaries.**

Motion Made By: Ms. Jacyn Stultz

Second: Dr. David Samuels

Vote: **In Favor:** Dr. Stephen DuLong; Dr. Paul Levy; Dr. John Hsu; Ms. Kathleen Held; Dr. Cynthia Stevens; Dr. David Samuels; Ms. Jacyn Stultz

Opposed: None

Abstain: None

Complaint Resolution – Investigator Barbara Yates

--In the Matter of DEN-2015-0136 Dr. Neelima Ravi

The licensee was present with Richard Beretta, Esq. for the discussion and vote of the Board on this matter.

Allegation(s): Out of State Discipline--New Hampshire

Materials Reviewed: Investigative Report with attachments

Discussion: After Ms. Yates presented a summary of the report, Dr. Hsu inquired of Board Counsel what the options might be for the Board's action. Attorney Leadholm suggested the Board could decide to offer a disciplinary agreement (probation, reprimand) with terms, offer a non-disciplinary agreement for stayed probation, or to dismiss the matter.

Motion: **To dismiss the matter, as discipline is not warranted.**

Motion Made By: Dr. David Samuels

Second: Dr. Paul Levy

Discussion: Ms. Yates reminded the Board that the Licensee had completed none of the mandatory continuing education courses within the 2012-2014 renewal cycle, and that she has not renewed her Massachusetts license, as she is practicing exclusively in New Hampshire.

Amended Motion: To dismiss the matter and to send an advisory letter regarding timely compliance with mandatory continuing education during each licensure renewal cycle.

Motion Made By: Dr. David Samuels

Second: Ms. Jacyn Stultz

Voteon Amended Motion: **In Favor:** Dr. Stephen DuLong; Dr. Paul Levy; Ms. Kathleen Held; Dr. Cynthia Stevens; Dr. David Samuels; Ms. Jacyn Stultz

Opposed: None

Abstain: Dr. John Hsu

Complaint Resolution – Investigator Sarah Millar

--In the Matter of DEN-2016-0074 Dr. Jongil Park

Attorney Leadholm announced to the Board that this matter is being deferred until the December meeting, and that the matter will be heard in Executive Session.

Complaint Resolution – Investigator Kathleen O’Connell

--In the Matter of DEN-2017-0011 Dr. Sarah J. Hart

The licensee was not present for the discussion and vote of the Board on this matter. Dr. Stephen DuLong recused for this matter.

Allegation(s): General Practice Standards

Materials Reviewed: Investigative Report with attachments

Discussion: Ms. O’Connell summarized the matter, indicating that there was no evidence to sustain the allegation of failure to provide Board Investigators and patients copies of dental records. All the records in question were of patients of another licensee. However, this Licensee did not complete 37 continuing education credits during the 2014-2016 license renewal cycle.

Motion: To offer a Consent Agreement for 1 Year Stayed Probation, to complete the 37 deficient CE credits from the 2014-2016 license renewal cycle.

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

Motion Made By: Ms. Jacyn Stultz

Second: Dr. Paul Levy

Vote: **In Favor:** Dr. Paul Levy; Dr. John Hsu; Ms. Kathleen Held; Dr. Cynthia Stevens; Dr. David Samuels; Ms. Jacyn Stultz
Opposed: None
Abstain: None

Motion: **At 11:42 a.m. to adjourn the meeting for the day**

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Kathleen Held

Vote: **In Favor:** Dr. Stephen DuLong; Dr. Paul Levy; Dr. John Hsu; Ms. Kathleen Held; Dr. Cynthia Stevens; Dr. David Samuels; Ms. Jacyn Stultz
Opposed: None
Abstain: None

Respectfully submitted,

Vanessa Lapierre,
Office Support Specialist

Date: November 27, 2017