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 Executive Office of Health and Human Services
 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 7, 2018
 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 a.m.	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 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>		

10:20 a.m.	III	ADJUDICATORY SESSION (closed to the public)		
10:40 a.m.	IV	M.G.L. c.112, §65C SESSION (closed to the public)		
11:10 a.m.	V	COMPLAINT RESOLUTION: PENDING BOARD MATTERS 1. DEN-2017-0056: Dr. Allen Lorenz 2. DEN-2018-0004: Dr. Marc Zauderer 3. DEN-2018-0013: Dr. Daniel Clancy	Investigation Reports, Attachments	B. Yates, K. O'Connell, S. Millar
11:40 a.m.	VI	FLEX SESSION		
11:50 a.m.	VII	ADMINISTRATIVE MATTERS 1. DPH Project to Improve Antibiotic Stewardship in Outpatient Settings—Dr. Ruth Monina Klevens, DPH Bureau of Infectious Diseases and Laboratory Science 2. Application for Local Anesthesia Permit—Ms. Charo LaViolette, RDH (Goodwin College, Connecticut) 3. Probation Matter—Request for New Practice Monitor: DEN-2018- Dr. Jennifer Chen 4. Probation Report 5. 234 CMR 7.00 Final Review 6. Nominations of Board Officer Candidates for 2019 7. Review of Minutes of General Session of October 3, 2018		B. Young, S. Leadholm, K. Fishman
1:00 p.m.		ADJOURNMENT		

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417
GENERAL SESSION MINUTES
November 7, 2018

Present: Dr. Stephen DuLong, Board Chair; Ms. Jacyn Stultz, RDH; Dr. Michael Scialabba; Dr. Paul Levy; Dr. Patricia Wu; Ms. Ailish Wilkie; Ms. Stacy Haluch, RDH; Ms. Kathleen Held

Absent: Dr. John Hsu, Board Secretary; Dr. Cynthia Stevens

Board Staff Present: Barbara A. Young, Executive Director; Jeffrey Mills, Asst. Executive Director; Samuel Leadholm, Esq., Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; OPP Investigators Sarah Millar, Kathleen O'Connell and Barbara Yates; Probation Monitor Karen Fishman; Office Support Specialist Vanessa Lapierre

Motion: At 8:30 a.m., to adopt the proposed agenda for today's meeting

Motion Made By: Dr. Paul Levy

Second: Dr. Patricia Wu

Vote: Unanimous

At 8:30 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 enter a closed Adjudicatory Session and then a closed M.G.L. c. 112, §65C session before returning to an open session and adjourning the meeting for the day.

Motion: At 8:31 a.m., to enter Executive Session pursuant to M.G.L. c. 30A, §21(a)(1)

Motion Made By: Dr. Paul Levy

Second: Ms. Ailish Wilkie

Vote: **In Favor:** Dr. Stephen DuLong; Dr. Michael Scialabba;
Dr. Paul Levy; Dr. Patricia Wu; Ms. Jacyn Stultz;
Ms. Stacy Haluch; Ms. Ailish Wilkie; Ms. Kathleen Held
Opposed: None
Abstain: None

The Board took its morning recess at 9:48 a.m. and resumed its meeting at 9:53 a.m.

Motion: At 9:53 a.m., to enter an Adjudicatory Session

Motion Made By: Dr. Paul Levy

Second: Ms. Ailish Wilkie

Vote: **In Favor:** Dr. Stephen DuLong; Dr. Michael Scialabba;
Dr. Paul Levy; Dr. Patricia Wu; Ms. Jacyn Stultz;
Ms. Stacy Haluch; Ms. Ailish Wilkie; Ms. Kathleen Held
Opposed: None

Abstain: None

Motion: At 10:04 a.m., to enter a M.G.L. c. 112, §65C session

Motion Made By: Ms. Jacyn Stultz

Second: Ms. Ailish Wilkie

Vote: **In Favor:** Dr. Stephen DuLong; Dr. Michael Scialabba;
Dr. Paul Levy; Dr. Patricia Wu; Ms. Jacyn Stultz;
Ms. Stacy Haluch; Ms. Ailish Wilkie; Ms. Kathleen Held
Opposed: None
Abstain: None

Complaint Resolution – Investigator Barbara Yates

--In the Matter of DEN-2017-0056: Dr. Allen L. Lorenz

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

Issue(s): Infection control violations; Radiation control program violations

Materials Reviewed: Investigative report with attachments

Discussion: Dr. DuLong asked if there are three radiographic machines in this office; Ms. Yates replied yes but noted the licensee stated he rents space from a corporation and the corporation actually owns the radiographic machines. Ms. Yates noted the corporation papers include the licensee's name. Further Ms. Yates noted the pediatric dentist claims all equipment is owned by the licensee. Dr. DuLong noted the licensee explains everything is owned by a trust but the licensee is the trustee for that trust. Ms. Yates also reported the licensee's name is listed on the registration with the DPH Radiation Control Program.

Dr. DuLong also noted the licensee is angry spore testing logs were requested as the licensee is not under investigation; Ms. Yates replied the pediatric dentist provided the spore testing logs as part of the inspection for a permit and indicated the autoclaves were also used by the licensee. Ms. Yates indicated the licensee does accept responsibility for the failed spore tests. Dr. DuLong noted the licensee is also deficient 17 CEUs for the 2014-2016 licensure cycle but completed more than 40 CEUs for the 2016-2018 cycle; Ms. Yates agreed but replied the licensee did not complete a mandatory course in infection control.

Motion: **To offer a Consent Agreement for Probation for 6 Months to include the completion of the deficient 21.5 CEUs and the following remedial coursework:**

- **3 Hours: Infection control**
- **3 Hours: Risk management**

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

Motion Made By: Ms. Jacyn Stultz

Second: Ms. Ailish Wilkie

Vote: **In Favor:** Dr. Stephen DuLong; Dr. Michael Scialabba;
Dr. Patricia Wu; Ms. Jacyn Stultz; Ms. Stacy Haluch;
Ms. Ailish Wilkie; Ms. Kathleen Held
Opposed: None
Abstain: None

Complaint Resolution – Investigator Kathleen O’Connell

--In the Matter of DEN-2018-0004: Dr. Marc J. Zauderer

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

Issue(s): Infection control violations; Administering anesthesia/sedation on an expired facility permit

Materials Reviewed: Investigative report with attachments

Discussion: Ms. O'Connell informed the Board and inspection of the licensee's office revealed nitrous oxide oxygen equipment but no tanks. However Ms. O'Connell noted several infection control violations were found during that inspection.

Ms. Young asked if the licensee has remediated the infection control issues; Ms. O'Connell replied yes. Atty. Leadholm asked if the issue was the licensee's failure to maintain the sterility of his instruments; Ms. O'Connell replied it was. Further Ms. O'Connell noted the licensee did not have a written protocol for infection control compliance.

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

- **3 Hours: Infection control**
- **Stayed probation period may be terminated early by the licensee upon evidence of the successful completion of the coursework as stated.**

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

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Jacyn Stultz

Vote: **In Favor:** Dr. Stephen DuLong; Dr. Michael Scialabba; Dr. Patricia Wu; Ms. Jacyn Stultz; Ms. Stacy Haluch; Ms. Ailish Wilkie; Ms. Kathleen Held; Dr. Paul Levy
Opposed: None
Abstain: None

Complaint Resolution – Investigator Sarah Millar

--In the Matter of DEN-2018-0013: Dr. Daniel J. Clancy

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

Issue(s): Unable to obtain records

Materials Reviewed: Investigative report with attachments

Discussion: Dr. DuLong noted the licensee indicates the treatment records are more than seven years old so the records have been destroyed. Ms. Millar replied the licensee also failed to provide proof of his CEU compliance stating those records were also destroyed. Ms. Wilkie asked that since the licensee has already surrendered his license to practice should this matter be dismissed; Atty. Leadholm advised the Board it could dismiss this complaint with an advisory letter to the licensee regarding the Board's record retention regulations.

Motion: **To dismiss the complaint without prejudice**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Paul Levy

Vote: **In Favor:** Dr. Stephen DuLong; Dr. Michael Scialabba;
Dr. Patricia Wu; Ms. Jacyn Stultz; Ms. Stacy Haluch;
Ms. Ailish Wilkie; Ms. Kathleen Held; Dr. Paul Levy
Opposed: None
Abstain: None

Complaint Resolution – Probation Monitor Karen Fishman

--In the Matter of DEN-2015-0015: Dr. Jennifer Chen

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

Issue(s): Proposed change in practice monitor

Materials Reviewed: Probation memo

Discussion: Ms. Fishman noted the licensee appeared before the Board at its Oct. meeting and is now looking to change the practice monitor. Ms. Fishman noted the licensee had previously retained the services of Dr. John Gentile and is now seeking the Board's approval to retain the services of Dr. David Russell. Ms. Fishman provided a copy of Dr. Russell's curriculum vitae to the Board.

Motion: **To approve Dr. David Russell as the licensee's practice monitor**

Motion Made By: Ms. Ailish Wilkie
Second: Ms. Jacyn Stultz
Vote: **In Favor:** Dr. Stephen DuLong; Dr. Michael Scialabba;
Dr. Patricia Wu; Ms. Jacyn Stultz; Ms. Stacy Haluch;
Ms. Ailish Wilkie; Ms. Kathleen Held; Dr. Paul Levy
Opposed: None
Abstain: None

Administrative Matters:

A. Probation Monitor Monthly Report – Probation Monitor Karen Fishman

Ms. Fishman presented her monthly probation report to the Board. The Board members had no questions or concerns about the monthly report.

B. Request for Consideration of an Application for a Local Anesthesia Permit – Executive Director Barbara A. Young, RDH

--In the Matter of Ms. Charo LaViolette, DH89624

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

Discussion: Ms. Young informed the Board this hygienist has applied for a local anesthesia permit but her August 2017 course certificate from the dental hygiene program at Goodwin College in Connecticut indicates her training does not meet the Board’s requirements for acceptable training in local anesthesia. However Ms. Young noted a letter from Ms. Christine Walsh, RDH, program director of the dental hygiene program at Goodwin College indicates this hygienist has also completed additional training in the administration of local anesthesia as part of the licensee’s self-study project.

Ms. Stultz noted the licensee did an additional 51 hours administering local anesthesia. Atty. Leadholm questioned what is meant by a self-study project.

Motion: **To approve the licensee’s application for a local anesthesia permit**

Motion Made By: Dr. Paul Levy

Second: Dr. Patricia Wu

Vote: **In Favor:** Dr. Stephen DuLong; Dr. Michael Scialabba;
Dr. Patricia Wu; Ms. Jacyn Stultz; Ms. Stacy Haluch;
Ms. Ailish Wilkie; Ms. Kathleen Held; Dr. Paul Levy
Opposed: None
Abstain: None

C. Final Review of Proposed Changes to 234 CMR 7.00

Atty. Leadholm advised the Board its Regulatory Review Workgroup has completed its review of 234 CMR 7.00 and the Workgroup’s proposed changes are now before the Board for its consideration and adoption. Atty. Leadholm noted some of the highlights include:

1. Separation of the applications to be submitted by a public health dental hygienist (PHDH) from those applications submitted by a dentist
2. Inclusion of a definition of the term “dental screening”
3. Addition of a requirement that all PHDHs must submit proof they are qualified to be considered public health dental hygienists, e.g. proof of the successful completion of six-hours of hands-on experience in a public health setting, one CEU on the CDC Guidelines, etc.

Atty. Leadholm noted if there are no further substantive changes to 7.00, then the proposed changes will be submitted to the public via a public hearing and opportunity for public comment. Ms. Stultz asked why proof of a CEU in practice management is to be required of PHDHs and not of dentists; Atty. Leadholm replied the Board has never required this documentation prior to issuing a license to a dentist that would permit that dentist to practice dentistry and it has never been required as part of 234 CMR 5.00. Ms. Stultz suggested including dentists but Ms. Young stated she didn’t necessarily agree given the length of training offered to dentists in dental school compared to that training given to hygienists in dental hygiene school.

Atty. Leadholm noted many items are required of dentists prior to licensure; Ms. Stultz agreed but suggested the standards should be the same. Dr. Scialabba and Ms. Wilkie agreed with Ms. Stultz. Further Ms. Stultz asked why a PHDH must provide proof of a CEU in the CDC Guidelines when that is already required for licensure as a hygienist. Atty. Leadholm advised the Board the proposed changes to 7.00 only pertain to what is required to obtain a portable dental operation (PDO) permit and not how the practice would be run once the permit is issued. Ms. Stultz suggested all licensees applying for a PDO should have the same responsibilities. Dr. Levy noted a dentist who operates a private practice would have the same responsibilities if that dentist practices outside his office. Atty. Leadholm advised the Board the PHDH statute went into effect in 2010 and the Board created the PDO permit process in response to that legislation noting, for example, the Board requires a collaborative written agreement from the hygienist but not from the dentist. Ms. Stultz reiterated the dentist’s level of responsibility remains the same but Dr. DuLong noted the presumption is the dentist is already the responsible party. Dr. Wu suggested the risk does not increase if the practice setting changes. Ms. Held noted those dentists who obtain a permit already recognize those risks.

Motion: To accept the proposed changes to 234 CMR 7.00 and to submit those proposed changes for administrative review

Motion Made By: Dr. Paul Levy

Second: Dr. Michael Scialabba

Vote:
In Favor: Dr. Stephen DuLong; Dr. Michael Scialabba;
Dr. Patricia Wu; Dr. Paul Levy; Ms. Stacy Haluch;
Ms. Ailish Wilkie; Ms. Kathleen Held
Opposed: Ms. Jacyn Stultz
Abstain: None

Atty. Leadholm advised the Board that if the administrative review makes no substantive changes, then 7.00 will be scheduled for a public hearing but if that review results in substantive changes, those changes will be submitted to the Board for further review.

D. DPH Project to Improve Antibiotic Stewardship in Outpatient Settings – Dr. R. Monina Klevens, DPH Bureau of Infectious Diseases and Laboratory Sciences

Dr. Klevens offered a power point presentation to the Board explaining her federally funded project to reduce the over-prescription of antibiotics by dentists by working with MassHealth to identify those prescriptive outliers. Dr. Klevens indicated a letter, a copy of which was provided to the Board, would be sent to each of these prescriptive outliers informing the dentists of the current guidelines for prescribing antibiotics in certain circumstances.

Dr. Klevens noted research has indicated the increase in antibiotic resistant organisms has been linked to outpatient settings and those antibiotics prescribed in dentistry accounts for 14% of outpatient antibiotics. Further, Ms. Klevens informed the Board DPH is hosting a statewide conference on improved antibiotic stewardship in April 2019 at the Framingham Sheraton hotel and asked for the Board's help in getting the message out to dentists and in announcing this upcoming conference. All Board members agreed this is an important topic and offered their assistance to Dr. Klevens.

E. Review of the General Session Minutes of the Board Meeting on October 3, 2018

Motion: To approve the General Session Minutes of the October 3, 2018, Board meeting

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Stacy Haluch

Vote: **In Favor:** Dr. Stephen DuLong; Dr. Michael Scialabba;
Dr. Patricia Wu; Ms. Jacyn Stultz; Ms. Stacy Haluch;
Ms. Ailish Wilkie; Ms. Kathleen Held; Dr. Paul Levy
Opposed: None
Abstain: None

E. Nominations for Board Chair and Board Secretary

Ms. Young reminded the Board it is time for nominations for the next Board Chair and Board Secretary noting the elections for each position will be held at the Board's December 5th meeting.

1. Dr. DuLong nominated Dr. Levy for Board Chair; no other nominations were forthcoming
2. Ms. Haluch nominated Ms. Stultz for Board Secretary; no other nominations were forthcoming

Flex Session:

1. Ms. Young informed the Board that to her knowledge the new periodontal classifications, proposed by the American Academy of Periodontology (AAP) have yet to be accepted by the American Dental Association (ADA). Dr. Scialabba noted the ADA has yet to announce the proposed classifications noting a general practitioner who is offering periodontal treatment to patients would be held to the standards of the AAP. Dr. DuLong noted that decision may be affected by the geographic location of the general practitioner, i.e. if the general practitioner is the only provider offering periodontal treatment within 50-100 miles, then that general practitioner may not be held to the standards of the AAP. Ms. Young asked if the periodontal classifications have been adopted by the AAP.
2. Ms. Wilkie asked if the Board would host its holiday party at the December meeting as it has done in past years; Dr. DuLong replied it will and noted he and Dr. Levy had already begun discussing the party. Ms. Wilkie offered to help as well.

Motion: **At 12:23 p.m. to adjourn the meeting**

Motion Made By: Ms. Kathleen Held

Second: Dr. Michael Scialabba

Vote: **In Favor:** Dr. Stephen DuLong; Dr. Michael Scialabba;
Dr. Patricia Wu; Ms. Jacyn Stultz; Ms. Stacy Haluch;
Ms. Ailish Wilkie; Ms. Kathleen Held; Dr. Paul Levy
Opposed: None
Abstain: None

Board of Registration in Dentistry
General Session Agenda & Minutes
November 7, 2018
(Approved by the Board on December 5, 2018)

Respectfully submitted,

Barbara A. Young, RDH
Executive Director

Date: November 27, 2018