

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417
December 4, 2013
AGENDA

- 8:30 a.m.** **Call to Order**
- A. M.G.L.c.112, §65C Session (closed to the public)**
- 9:00 a.m.** **B. Correction of General Session Minutes—Meeting of July 17, 2013**
- C. Review of General Session Minutes—Meeting of November 6, 2013**
- D. Administrative Matters**
 --Update on Open Meeting Law and Conduct of Board Meetings
 --Discussion of Election of Board Officers
 --Update: Dental Assistant Regulations/Registration
 --ADEX Examination Committee
- 9:30 a.m.** **E. Plan of Corrective Action**
 --Dr. Isam Hamati, Aspen Dental
- 10:00 a.m.** **F. Complaint Resolution Matter Update—Executive Director Barbara Young, RDH**
 --In the Matter of DEN-2012-0123: Dr. Margaret Panajoti
- G. Reconsideration of Prior Board Action—Executive Director Barbara Young, RDH**
 --In the Matter of DEN-2013-0008: Dr. Mario Gatti
- H. Reciprocal Discipline—Executive Director Barbara Young, RDH**
 --In the Matter of DEN-2013-0107: Dr. Joe Layton Carrick
 --In the Matter of DEN-2013-0108: Dr. Steven Landman
- I. Complaint Resolution—Investigator Eileen Mulligan**
 --In the Matter of DEN-2012-0118: Evelyn Perrault, RDH
 --In the Matter of SA-INV-4542: Dr. Minh-Phuong Bui
- J. Probation Matter—Karen Fishman, Probation Monitor**
 --In the Matter of DEN-2011-0191: Dr. Hamid Tabrizi
- 10:30 a.m.** **K. Executive Session (closed to the public)**

Adjournment

NEXT MEETING: January 15, 2014



Board of Registration in Dentistry
General Session Minutes
December 4, 2013
Approved by Board January 15, 2014

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, 5th Floor, Boston, MA 02114

DEVAL L. PATRICK
GOVERNOR

JOHN W. POLANOWICZ
SECRETARY

CHERYL BARTLETT, R.N.
COMMISSIONER

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417
GENERAL SESSION MINUTES
December 4, 2013

Board Members Present: Dr. Milton Glicksman, Chair *pro tem*; Dr. Keith Batchelder; Dr. Stephen DuLong; David Samuels; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, Ward Cromer, Ph.D.; Ms. Diane Grondin, CDA Advisor.

Board Members Absent: Dr. John Hsu; Dr. Cynthia Stevens; Ms. Ailish Wilkie, CPHQ.

Staff Members Present: Barbara Young, Executive Director; Jeffrey Mills, Assistant Executive Director; Vita Berg, Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; Investigators Sarah Millar, Eileen Mulligan, Kathleen O'Connell, Kathy Perault, Lisa Seeley-Murphy, and Barbara Yates; Eugene Langner, Prosecuting Counsel; Nancy Dolberg, Prosecuting Counsel; Karen Fishman, Probation Monitor; Curtis Jackson, MPRS Coordinator; Rosie Rogers, Administrative Assistant; Ana Bienvenu, Clerk.

Dr. Roderick Lewin is no longer a Board Member, and Dr. Keith Batchelder is the newest appointee.

Dr. Milton Glicksman chaired the meeting.

Motion: To commence the meeting at 8:30 a.m.

Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

Vote: Unanimous

Dr. Glicksman welcomed Dr. Batchelder to the Board and invited him to give a brief professional biography.

Motion: To re-order Agenda at 8:34 a.m.

Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

Vote: Unanimous

Motion: To leave General Session at 8:34 a.m.

Motion Made By: Dr. Stephen DuLong

Second: Ward Cromer, Ph.D.

Vote: Unanimous

Motion: To enter M.G.L. c. 112, §65C Session at 8:34 a.m.

Motion Made By: Dr. Stephen DuLong

Second: Ward Cromer, Ph.D.

Roll-Call Vote: **Yea:** Dr. Keith Batchelder; Stephen Du Long; Dr. David Samuels; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ward Cromer, Ph.D.

Motion: To Leave M.G.L.c.112, §65C Session at 9:12 a.m.

Motion Made By: Ms. Lois Sobel

Second: Dr. David Samuels

Roll Call Vote: **Yea:** Dr. Keith Batchelder; Dr. Stephen DuLong; Dr. David Samuels; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ward Cromer, Ph.D.

Abstain: Dr. Milton Glicksman, Chair *pro tem*

Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion; To Enter General Session at 9:12 a.m.

Motion Made By: Dr. Keith Batchelder

Second: Ms. Lois Sobel

Vote: Unanimous

Motion **To Correct General Session Minutes—Meeting of July 17, 2013**

Motion Made By Ms. Lois Sobel

Second Ward Cromer, Ph.D.

Vote **Yea:** Dr. Stephen DuLong; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*; Dr. Keith Batchelder; Dr. David Samuels
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Board Counsel Vita Berg suggested the Board postpone the review of General Session minutes of the meeting of November 4, 2013.

Motion **To postpone the review of General Session Board Minutes until January 15, 2014.**

Motion Made By Ms. Lois Sobel

Second Dr. Stephen DuLong

Vote **Yea:** Dr. Keith Batchelder; Dr. Stephen DuLong; Dr. David Samuels; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ward Cromer, Ph.D.
Abstain: Dr. Milton Glicksman, Chair *pro tem*;
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Administrative Matters

--Update on Open Meeting Law and Conduct of Board Meetings

Board Counsel Vita Berg reported that on November 20, 2013, five members of the Board attended a training provided by the Attorney General's Office on this law. The Power Point slides from that session were distributed to all members.

Attorney Berg indicated that in light of M.G.L.c.66A, it is wise for the Board to hear all matters in which patient records are to be reviewed in Executive, rather than General, Session. In Executive Session, the Licensee is afforded the opportunity to address the Board, and an attorney or other person may accompany the Licensee to the closed session; this attorney/representative, however, may not address the Board during the session. Executive Director Barbara Young indicated that the required letters notifying licensees whose matters were to be heard during Executive Session today had been sent in advance of the 48-hour minimum required notice. Several licensees and/or their attorneys requested

postponement of their matters. As a courtesy, for this meeting, the postponements were granted. However, a policy for all Boards in the Division of Health Professions Licensure on the matter of postponements of matters in Executive Session concerning licensees is forthcoming.

The issue of remote participation by Board Members was discussed. No vote was taken on this matter.

During the above discussion, Dr. David Samuels left the meeting, at 9:21 a.m., returning at 9:24 a.m.

--Discussion of Election of Board Officers

Dr. Milton Glicksman requested that the Board elect a new Secretary today. Assistant Executive Director Jeffrey Mills reminded the Board that it had voted unanimously at the November 4, 2013 meeting to defer the elections for Chair and Secretary to the January 15, 2014 meeting. Ward Cromer, Ph.D. recommended that at the January meeting the Board could first take nominations for and elect the Chair, then take nominations for and elect the Secretary. Any candidate(s) not elected as Chair may be placed in nomination for the office of Secretary.

Motion: To first nominate and elect a Board Chair at the January 15, 2014 and then to nominate and elect a Board Secretary at that same meeting. The nomination and election process for these offices will be sequential.

Motion Made By: Ward Cromer, Ph.D.

Second: Dr. Stephen DuLong

Vote: Unanimous

--Update: Dental Assistant Regulations/Registration

Executive Director Barbara Young reported that there has been no change on this matter since the last meeting. Members asked if there was a projected date for the appointment of a voting Dental Assistant member; Board staff has not been given a projected date.

--ADEX Examination Committee

A District Representative (New England Region) needs to be elected, as Dr. Robert DeFrancesco's term has been completed. Dr. Milton Glicksman reported to the Board that former Board member Dr. Mina Paul indicated to him that she would be willing to serve in this capacity.

Motion: To ask Dr. Milton Glicksman to nominate Dr. Mina Paul as a candidate for District Representative on the ADEX Examination Committee.

Motion Made By: Dr. Stephen DuLong

Second: Ms. Lois Sobel

Vote: Unanimous

Plan of Corrective Action

--Dr. Isam Hamati, Aspen Dental

Dr. Hamati, Attorney James Bello, Aspen Dental Directors Dr. Pezzolisi and Dr. Oh, and Rob Connor of Aspen Dental were present. Board members reviewed a letter from Board Counsel Marsha Bird to Attorney Bello, Attorney Bello's response that included the Plan of Corrective Action, and a Power Point presentation made by Dr. Hamati to Aspen Dental Directors in Massachusetts at a three-hour meeting in July, 2013. Approximately one hour of questions followed that presentation. It was noted that the number of complaints against Aspen practices in Massachusetts has decreased since March, 2013. The Board thanked Dr. Hamati and Attorney Bello for their appearance and expressed its hope that continuing the plan of corrective action will result in further decrease in volume of complaints from patients in these practices.

Complaint Resolution Matter Update—Executive Director Barbara Young, RDH

--In the Matter of DEN-2012-0123: Dr. Margarita Panajoti

Discussion: The Executive Director's memo was reviewed. This Licensee had been named by outside parties as the owner of the practice in this matter, however she was never involved in this practice.

Motion: To dismiss the matter without prejudice.

Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

Vote: Unanimous

Reconsideration of Prior Board Action—Executive Director Barbara Young, RDH

--In the Matter of DEN-2013-0008: Dr. Mario Gatti

Discussion: Other part-time associates in the practice were offered a Consent Agreement for Stayed Probation for 3 months; this Licensee's matter was heard at a subsequent meeting, and the Board voted to offer a Consent Agreement for Stayed Probation for 6 months. The evidence did not indicate this Licensee was in more serious violation of the standards of practice than the other part-time associates in the practice.

Motion: **To offer a Consent Agreement for 3 months Stayed Probation, to include the following continuing education:
6 Hours: Risk Management**

Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

Vote: Unanimous

Reciprocal Discipline—Executive Director Barbara Young, RDH

--In the Matter of DEN-2013-0107: Dr. Joe Layton Carrick

Discussion: The Licensee was issued a Warning by the Texas Board of Dental Examiners in August 2012 for record-keeping deficiencies. The Licensee did not notify this Board of this action by another jurisdiction.

Motion: **To dismiss the matter with an advisory regarding compliance with 234 CMR 9.05 (27),**

Motion Made By: Dr. David Samuels

Second: Dr. Keith Batchelder

Vote: Unanimous

--In the Matter of DEN-2013-0108: Dr. Steven Landman

Discussion: This Licensee was issued a Reprimand by the Connecticut State Dental Commission in August 2012 for failure to document recording of periodontal pocket depths of a patient. The Licensee did not notify this Board of this action by another jurisdiction.

Motion: **To dismiss the matter with an advisory regarding compliance with 234 CMR 9.05 (27).**

Motion Made By: Dr. Stephen DuLong
Second: Dr. David Samuels
Vote: Unanimous

Complaint Resolution—Investigator Eileen Mulligan

--In the Matter of DEN-2012-0118: Evelyn Perrault, RDH

Allegation: Practicing beyond the scope
Discussion: Board members examined photographs and reviewed the Investigation Report, including correspondence from the Licensee. There have been no patient complaints against the Licensee. She has been operating a business that sells custom mouth guards without a prescription from a licensed dentist and administers teeth whitening agents without an order from a licensed dentist.
Motion: **To offer a Consent Agreement for Probation for 1 year, to include the following continuing education:**
6 Hours: Risk Management
6 Hours: Infection Control
6 Hours: Ethics (may be taken online)

Motion Made By: Ms. Lois Sobel
Second: Dr. David Samuels
Vote: **Yea:** Dr. Stephen DuLong; Dr. David Samuels; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ward Cromer, Ph.D.
Nay: Dr. Keith Batchelder
Abstain: Dr. Milton Glicksman, Chair *pro tem*;
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

--In the Matter of SA-INV-4542: Dr. Minh-Phuong Bui

Allegation: Inappropriate drug ordering (Chloroform)

Discussion: The Board reviewed the Investigation Report, which included a statement from a pharmacist to Board of Registration in Pharmacy inspectors that a pharmacy technician had delivered Chloroform to this licensee, as well as statements from the pharmacy technician and the Licensee providing conflicting evidence.

Motion: **To not open as a complaint.**

Motion Made By: Dr. Stephen DuLong

Second: Ms. Lois Sobel

Vote: Unanimous

Probation Matter—Karen Fishman, Probation Monitor

--In the Matter of DEN-2011-0191: Dr. Hamid Tabrizi

Discussion: Board members reviewed the Probation Monitor's memo, which includes a summary of the Licensee's incomplete compliance with terms of the consent agreement for Stayed Probation, as well as a request for extension. It was noted that the Licensee had not made contact with the Probation Monitor until a few days prior to the deadline for full compliance with the agreement.

Motion: **To lift the Stay of Probation until such time as all terms of the Consent Agreement have been successfully completed. The resultant Probation is a disciplinary action.**

Motion Made By: Dr. Stephen DuLong

Second: Ward Cromer, Ph.D.

Vote: Unanimous

Motion: **To leave General Session at 11:00 a.m.**

Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

Vote: Unanimous

Board of Registration in Dentistry
General Session Minutes
December 4, 2013
Adopted by Board January 15, 2014

Motion: To enter Executive Session at 11:00 a.m., under Purpose 1 of the Open Meeting Law, and to announce to the public that the Board will not return to General Session today.

Motion Made By: Dr. David Samuels

Second: Dr. Stephen DuLong

Roll Call Vote: **Yea:** Dr. Keith Batchelder; Dr. Stephen DuLong; Dr. David Samuels; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ward Cromer, Ph.D.

Abstain: Dr. Milton Glicksman, Chair *pro tem*

Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Adjournment

Motion: To adjourn the meeting at 4:24 p.m.

Motion Made By: Dr. Stephen DuLong

Second: Ms. Lois Sobel

Roll Call Vote: **Yea:** Dr. Keith Batchelder; Dr. Stephen DuLong; Dr. David Samuels; Ms. Lois Sobel, RDH; Ms. Jacyn Stultz, RDH; Ward Cromer, Ph.D.

Abstain: Dr. Milton Glicksman, Chair *pro tem*

Respectfully submitted,

Dr. Milton Glicksman, Secretary

Date