

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

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GOVERNOR

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SECRETARY

JOHN AUERBACH
COMMISSIONER

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417A & B
January 4, 2012
AGENDA

9:30 a.m.

Call to Order

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

10:15 a.m.

- C. Administrative Matters
--AADB on Dental Advertising
- D. Complaint Resolution—Pending Board Cases—Barbara Yates
--In the Matter of DEN-2011-0032: Dr. Alex Adeli
--In the Matter of DEN-2010-0043: Dr. Carol Yun
--In the Matter of DEN-2010-0062: Dr. Adriane Kilar
--In the Matter of DEN-2010-0067: Dr. Patrick Dermesropian
--In the Matter of DEN-2010-0097: Dr. Ronald Kolodziej
- E. Complaint Resolution—Pending Board Cases—Kathy Perault
--In the Matter of DEN-2011-0029: Dr. Arkady Naiman
--In the Matter of DEN-2011-0039: Dr. Arkady Naiman
--In the Matter of DEN-2011-0042: Dr. Jae Yeon Park
--In the Matter of DEN-2011-0071: Dr. Dennis Cohen
--In the Matter of SA-INV-2208: Dr. Arthur Hannigan
--In the Matter of SA-INV-2249: Dr. Alvin Pierce
--In the Matter of SA-INV-2270: Dr. Sang Lee
- F. Complaint Resolution—Pending Board Cases—Eileen Mulligan
--In the Matter of DEN-2010-0048: Dr. Abdullaibrahim Abdulwaheed
--In the Matter of DEN-2010-0049: Dr. Saeed Kashefi
--In the Matter of DEN-2010-0050: Dr. Roozbeh Kashefi

Board of Registration in Dentistry
General Session Minutes
January 4, 2012
Adopted by Board March 7, 2012

G. Complaint Resolution—Pending Board Cases—Sarah Millar

- In the Matter of DEN-2011-0118: Dr. Ted Lee
- In the Matter of DEN-2011-0117: Dr. Mei Der Chou
- In the Matter of DEN-2011-0120: Dr. Yichi Wang
- In the Matter of DEN-2011-0119: Dr. Michael Ho
- In the Matter of SA-INV-2362: Dr. Mazila Bidabadi

H. Complaint Resolution—Pending Board Cases—Kathleen O'Connell

- In the Matter of SA-INV-2150: Dr. Gerald Fine
- In the Matter of SA-INV-2055: Dr. Nikhilkumar Patel
- In the Matter of DEN-2011-0104: Dr. Garrett Piskor
- In the Matter of DEN-2011-0150: Dr. Ruby Chaudhary

Adjournment

NEXT MEETING OF THE BOARD: February 1, 2012

Board of Registration in Dentistry
General Session Minutes
January 4, 2012
Adopted by Board March 7, 2012

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
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January 4, 2012
GENERAL SESSION MINUTES

Board Members Present: Dr. Mina Paul, Chair; Dr. Roderick Lewin, Secretary Dr. Milton Glicksman; Dr. John Hsu (at 9:43 a.m.); Dr. Cynthia Stevens; Ms. Lois Sobel, RDH; Ms. Diane Grondin, CDA Advisor (at 9:45 a.m.)

Board Members Absent: Ms. Ailish Wilkie, CPHQ; Ward Cromer, Ph.D.

Staff Members Present: Kathleen Atkinson, Executive Director; Jeffrey Mills, Assistant Executive Director; Marsha Bird, Board Counsel; Jean Pontikas, Director DHPL; James Lavery, Chief Prosecuting Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; Investigators Sarah Millar, Kathleen O'Connell, Kathy Perault, and Barbara Yates; Karen Fishman, Probation Monitor; Rosie Rogers, Administrative Assistant; Erin Belitskus.

Motion: To commence meeting, at 9:31 a.m.

Motion Made By: Ms. Lois Sobel

Second: Dr. Cynthia Stevens

Vote: Unanimous

Motion: To enter Adjudicatory Session, at 9:31 a.m.

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Lois Sobel

Vote: Unanimous

Dr. John Hsu entered the meeting at 9:43 a.m.

Ms. Diane Grondin entered the meeting at 9:45 a.m.

Motion: To leave Adjudicatory Session, at 10:17 a.m.

Motion Made By: Ms. Lois Sobel

Second: Dr. John Hsu

Board of Registration in Dentistry
General Session Minutes
January 4, 2012
Adopted by Board March 7, 2012

Vote: Unanimous

Motion: To enter M.G.L.c.112, §65C Session, at 10:17 a.m.

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

Motion: To leave M.G.L.c.112, §65C Session, at 10:33 a.m.

Motion Made By: Ms. Lois Sobel

Second: Dr. Cynthia Stevens

Vote: Unanimous

Motion: To enter General Session, at 10:33 a.m.

Motion Made By: Ms. Lois Sobel

Second: John Hsu

Vote: Unanimous

Administrative Matters

--AADB Guidelines on Dental Advertising

The Guidelines adopted at the AADB General Assembly of the AADBB on October 10, 2011 were distributed to Board members.

--Oregon Board Letter to ADA

Board members received a copy of a letter sent by the Oregon Board of Dentistry to the President of ADA. The letter expresses concerns regarding the ADA's establishing a work group on development of portfolio-style examinations.

--Update on 2012 Yankee Dental Congress

Board of Registration in Dentistry
General Session Minutes
January 4, 2012
Adopted by Board March 7, 2012

Chair Dr. Mina Paul and Executive Director Kathleen Atkinson will present a Saturday afternoon session at Yankee. The session will focus on the "top ten" violations, proposed legislation, misconceptions regarding the upcoming registration of dental assistants, and the role of the Board.

--Update on Dental Assisting Regulations

No fees have yet been set by Administration and Finance. Technical corrections to other parts of the Regulations will need to be included. Staff is currently in the process of making recommendations for changes to the proposed regulations. Proposed regulations with comments and recommendations will be presented to the Board at its February 1, 2012 meeting.

--Update on Legislation

Executive Director Kathleen Atkinson noted there was nothing to report at this time.

--Update on Workgroup on Laser Use by Dental Hygienists

This workgroup will have its second meeting later today. It is moving toward formulating recommendations that will be brought to the Board later this year.

Complaint Resolution-Pending Board Cases

Investigators presented their previously distributed Investigative Reports, together with relevant clarifications and supplemental information as necessary.

--In the Matter of DEN-2011-0032: Dr. Alex Adeli

Allegation:	Failure to adhere to the standard of practice
Motion:	To dismiss without prejudice.
Motion Made By:	Dr. John Hsu
Second:	Dr. Cynthia Stevens
Vote:	Unanimous

--In the Matter of DEN-2010-0043: Dr. Carol Yun

Allegation:	Failure to adhere to the standard of practice
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Motion: To dismiss with an advisory letter regarding the requirement to comply with Board Regulation at 234 CMR 5.15, Content of Patient Records and ignoring Board request for information. Motion failed.

Motion Made By: Dr. Cynthia Stevens

Second: Dr. John Hsu

Vote:
Yea: Dr. Cynthia Stevens; Dr. John Hsu
Nay: Dr. Roderick Lewin, Secretary; Dr. Milton Glicksman; Ms. Lois Sobel, RDH
Abstain: Dr. Mina Paul, Chair
Non-Voting Member: Ms. Diane Grondin, CDA Advisor
Absent: Ms. Ailish Wilkie, CPHQ; Ward Cromer, PhD.

Motion: To offer Stayed Probation for six months to include the following Continuing education:
Full Day: Risk Management
Full Day: Record Keeping
Full Day: Medical Dental Ethics (may be taken on-line)
Full Day: Third Party Billing

Motion Made By: Dr. Milton Glicksman

Second: Dr. Roderick Lewin

Vote:
Yea: Dr. Roderick Lewin, Secretary; Dr. Milton Glicksman; Ms. Lois Sobel, RDH; Dr. Cynthia Stevens.
Nay: Dr. John Hsu
Abstain: Dr. Mina Paul, Chair.
Non-Voting Member: Ms. Diane Grondin, CDA Advisor.
Absent: Ms. Ailish Wilkie, CPHQ; Ward Cromer, PhD.

Justification: • Licensee violated M. G. L. c. 112, §52E by altering the date of service for Patient A to allow for insurance coverage.

--In the Matter of DEN-2010-0062: Dr. Adriane Kilar

Allegation: General standard violation in the failure to fabricate and deliver dentures within the estimate time span.

Board of Registration in Dentistry
General Session Minutes
January 4, 2012
Adopted by Board March 7, 2012

Motion: To dismiss with an advisory letter regarding the requirement to comply with Board Regulation at 234 CMR 5.15, Content of Patient Records.

Motion Made By: Dr. Cynthia Stevens

Second: Dr. John Hsu

Vote: Unanimous

--In the Matter of DEN-2010-0067: Dr. Patrick Dermesropian

Allegation: Inferior treatment

Motion: To offer Stayed Probation for six months, to include the following Continuing education:
Full Day: Risk Management
Full Day: Record Keeping
Full Day: Diagnosis & Treatment Planning for the General Practitioner
Full Day: Diagnosis & Treatment Planning for Endodontics
Full Day: Crown & Bridge

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification: • Licensee violated 234 CMR 9.05 (14), Standard of Care, where licensee provided endodontic treatment for teeth #'s 19 & 20, prepared a post and core, and took final impressions while the patient was still experiencing pain.

--In the Matter of DEN-2010-0097: Dr. Ronald Kolodziej

Allegation: Failure to adhere to the standards of practice and inferior treatment in providing orthodontic treatment.

Motion: To offer one year probation, to include the following Continuing educations:
Full Day: Risk Management
Full Day: Record Keeping
Full Day: Radiographic Interpretation
Full Day: Orthodontics for the General Practitioner

Board of Registration in Dentistry
General Session Minutes
January 4, 2012
Adopted by Board March 7, 2012

Motion Made By: Ms. Lois Sobel
Second: Dr. Cynthia Stevens
Vote: Unanimous
Justification: • Licensee violated 234 CMR 9.05 (14), Standard of Care where licensee failed to follow-up on a radiographic pathology showing a cyst prior to providing orthodontic treatment for five years.

Motion: **To leave General Session, at 11:53 a.m.**

Motion Made By: Dr. John Hsu
Second: Dr. Cynthia Stevens
Vote: Unanimous

Motion: **To enter M.G.L.c.112, §65C Session, at 11:53 a.m.**

Motion Made By: Dr. John Hsu
Second: Dr. Cynthia Stevens
Vote: Unanimous

Motion: **To leave M.G.L.c.112, §65C Session, at 12:12 p.m.**

Motion Made By: Dr. John Hsu
Second: Ms. Lois Sobel
Vote: Unanimous

Motion: **To re-enter General Session, at 12:12 p.m.**

Motion Made By: Ms. Lois Sobel
Second: Dr. Cynthia Stevens
Vote: Unanimous

--In the Matter of DEN-2011-0029 & DEN-2011-0039: Dr. Arkady Naiman

Motion: **To join DEN-2011-0029 & DEN-2011-0039**

Board of Registration in Dentistry
General Session Minutes
January 4, 2012
Adopted by Board March 7, 2012

Motion Made By: Dr. Roderick Lewin

Second: Ms. Lois Sobel

Vote: Unanimous

--In the Matter of DEN-2011-0029 & DEN-2011-0039: Dr. Arkady Naiman

Allegations: Failure to adhere to the standards of practice and infection control

Motion: To offer one year Probation/Stayed with the following
Continuing Education:
Full Day: Risk Management
Full Day: Record Keeping
Full Day: Diagnosis and Treatment Planning for the General Practitioner
Full Day: Infection Control
Complete continuing education required for 2008-2009 license renewal cycle.

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification: **DEN-2011-0029**

- Licensee violated M.G. L. c. 112, § 51A and 234 CMR 5.01 (1), by failing to complete continuing education required for license renewal for the 2008-2009 (Renewal Date: March 31, 2010) renewal cycle.
- Licensee violated 234 CMR 5.02 (2) (b) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled.

DEN-2011-0039

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to failure to use internal indicators in sterilization pouches and/or cassettes; to sterilize hand pieces and burs in pouches and/or cassettes; to sterilize autoclavable Nitrous Oxide-oxygen nasal hoods
- Licensee violated 234 CMR 6.07 by failing to maintain a current emergency drug kit, document maintenance of equipment on a scheduled basis, and a pediatric nasal hood for the administration of Nitrous Oxide-oxygen.

--In the Matter of DEN-2011-0042: Dr. Jae Yeon Park

Allegation: Misdiagnosis of condition.
Motion: **To dismiss without prejudice**
Motion Made By: Dr. Cynthia Stevens
Second: Dr. John Hsu
Vote: Unanimous

--In the Matter of SA-INV-2208: Dr. Arthur Hannigan

Allegation: Business practice issues.
Motion: **To open as a formal complaint, with the allegation of failure to adhere to the standard of practice.**
Motion Made By: Dr. Milton Glicksman
Second: Dr. Cynthia Stevens

Board of Registration in Dentistry
General Session Minutes
January 4, 2012
Adopted by Board March 7, 2012

Vote: Unanimous

--In the Matter of SA-INV-2249: Dr. Alvin Pierce

Allegation: Inferior treatment
Motion: **To not open as a complaint.**
Motion Made By: Dr. Roderick Lewin
Second: Dr. John Hsu
Vote: Unanimous

--In the Matter of SA-INV-2270: Dr. Sang Lee

Allegation: Patient abandonment
Motion: **To not open as a complaint.**
Motion Made By: Dr. Roderick Lewin
Second: Dr. Cynthia Stevens
Vote: Unanimous

--In the Matter of DEN-2010-0048: Dr. Abdullaibrahim Abdulwaheed

Allegation: Infection control violations.
Motion: **To offer one year Stayed Probation with the following Continuing Education:**
Full Day: Risk Management
Full Day: Infection Control and OSHA
Motion Made By: Dr. John Hsu
Second: Ms. Lois Sobel
Vote: Unanimous
Justification

- Failed to provide on day of inspection copies of radiology certificates for dental assistants, copies of Massachusetts Controlled Substance Registrations for all providers, to maintain and post licenses on site (MGL c. 112, §45) and to have appropriate signage (234 CMR 2.05 (3) (a)).

--In the Matter of DEN-2010-0049: Dr. Saeed Kashefi

Allegation: Infection control violations

Motion: To offer one year Stayed Probation with the following
Continuing Education:
Full Day: Risk Management
Full Day: Infection Control and OSHA

Motion Made By: Dr. John Hsu

Second: Ms. Lois Sobel

Vote: Unanimous

Justification ● Failed to provide on day of inspection copies of radiology certificates for dental assistants, copies of Massachusetts Controlled Substance Registrations for all providers, to maintain and post licenses on site (MGL c. 112, §45) and to have appropriate signage (234 CMR 2.05 (3) (a)).

--In the Matter of DEN-2010-0050: Dr. Roozbeh Kashefi

Allegation: Infection control violations

Motion: To offer one year Stayed Probation with the following
Continuing Education:
Full Day: Risk Management
Full Day: Infection Control and OSHA

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification ● Failed to provide on day of inspection copies of radiology certificates for dental assistants, copies of Massachusetts Controlled Substance Registrations for all providers, to maintain and post licenses on site (MGL c. 112, §45) and to have appropriate signage (234 CMR 2.05 (3) (a)).

--In the Matter of DEN-2010-0052: Dr. James Royer

This matter was deferred.

--In the Matter of DEN-2011-0118: Dr. Ted Lee

Allegation: Infection control standards violation

Motion: To offer one year Probation/Stayed with continuing education as follows:
Full Day: Risk Management
Full Day: Infection Control and OSHA

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to the failure to maintain metal syringes and various instruments in sterilization pouches prior to each patient use.
- Licensee violated 234 CMR 6.04, Administration of General Anesthesia, by failing to have a complete and current emergency drug kit; current portable oxygen; and child oxygen face mask and disposable CPR mask.
- Licensee violated M. G. L. c. 112, §50, by failing to place identifying information in removable prosthetics.

--In the Matter of DEN-2011-0117: Dr. Mei Der Chou

Allegation: Infection control standards violation

Motion: To offer one year Probation/Stayed with continuing education as follows:
Full Day: Risk Management
Full Day: Infection Control and OSHA

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to the failure to maintain metal syringes and various instruments in sterilization pouches prior to each patient use.
- Licensee violated 234 CMR 6.04, Administration of General Anesthesia, by failing to have a complete and current emergency drug kit; current portable oxygen; and child oxygen face mask and disposable CPR mask.
- Licensee violated M. G. L. c. 112, §50, by failing to place identifying information in removable prosthetics

--In the Matter of DEN-2011-0120: Dr. Yichi Wang

- Allegation:** Infection control standards violation
- Motion:** **To offer one year Probation/Stayed with continuing education as follows:**
Full Day: Risk Management
Full Day: Infection Control and OSHA
- Motion Made By:** Dr. John Hsu
- Second:** Dr. Cynthia Stevens
- Vote:** Unanimous

Justification

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to the failure to maintain metal syringes and various instruments in sterilization pouches prior to each patient use.
- Licensee violated 234 CMR 6.04, Administration of General Anesthesia, by failing to have a complete and current emergency drug kit; current portable oxygen; and child oxygen face mask and disposable CPR mask.
- Licensee violated M. G. L. c. 112, §50, by failing to place identifying information in removable prosthetics.

--In the Matter of DEN-2011-0119: Dr. Michael Ho

- Allegation:** Infection control standards violation

Board of Registration in Dentistry
General Session Minutes
January 4, 2012
Adopted by Board March 7, 2012

Motion: To offer one year Probation/Stayed with continuing education as follows:
Full Day: Risk Management
Full Day: Infection Control and OSHA
Complete continuing education credits required for 2008-2009 license renewal cycle.

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification

- Licensee violated 234 CMR 5.01, by failing to complete continuing education required for license renewal for renewal cycle 2008-2009, Renewal Date March 31, 2010.
- Licensee violated 234 CMR 5.02 (2) (b) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled
- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to the failure to maintain metal syringes and various instruments in sterilization pouches prior to each patient use.
- Licensee violated 234 CMR 6.04, Administration of General Anesthesia, by failing to have a complete and current emergency drug kit; current portable oxygen; and child oxygen face mask and disposable CPR mask.
- Licensee violated M. G. L. c. 112, §50, by failing to place identifying information in removable prosthetics.

Dr. Roderick Lewin assumed the Chair during the deliberation of the following matter.

--In the Matter of SA-INV-2362: Dr. Nazila Bidabadi

Allegations: Inferior treatment and fraud.

Motion: To not open as a complaint and to send an advisory letter regarding compliance with Board's regulation regarding record keeping at 234 CMR 5.14 and 5.15

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Board of Registration in Dentistry
General Session Minutes
January 4, 2012
Adopted by Board March 7, 2012

Vote: Unanimous

Recused: Dr. Mina Paul

Dr. Mina Paul resumed the Chair.

--In the Matter of SA-INV-2150: Dr. Gerald Fine

Allegations: Inferior treatment and practicing dentistry with an expired license

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

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

--In the Matter of SA-INV-2055: Dr. Nikhilkumar Patel

Allegation: Inferior work

Motion: **To not open as a complaint and to send an advisory letter regarding compliance with Board regulations regarding record keeping (234 CMR 5.14, 5.15).**

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Lois Sobel

Vote: Unanimous

--In the Matter of DEN-2011-0104: Dr. Garrett Piskor

Allegation: Standard of practice failure regarding record keeping deficiencies.

Motion: **To dismiss with an advisory letter regarding compliance with Board regulations regarding record keeping (234 CMR 5.14, 5.15) and continuing education (234 CMR 8.00)**

Motion Made By: Dr. Milton Glicksman

Second: Dr. Roderick Lewin

Board of Registration in Dentistry
General Session Minutes
January 4, 2012
Adopted by Board March 7, 2012

Vote: Unanimous

--In the Matter of DEN-2011-0150: Dr. Ruby Chaudhary

Allegations: Patient abandonment and inferior treatment.

Motion: To dismiss without prejudice.

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

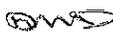
Motion: To adjourn the meeting at 12:50 p.m.

Motion Made By: Dr. Cynthia Stevens

Second: Dr. John Hsu

Vote: Unanimous

Respectfully submitted,


Dr. Roderick Lewin, Secretary 

Date: 3/21/12