



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

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

October 1, 2014
239 Causeway Street ~ Room 417 A&B

Boston, Massachusetts 02114

AGENDA

Time	#	Item	Exhibits	Contact
8:30	I	CALL TO ORDER		
8:31	II	DETERMINATION OF QUORUM AND APPROVAL OF AGENDA		
8:32	III	REVIEW OF MINUTES Minutes of General Session September 3, 2014	Minutes	B. Young
8:40	IV	ADMINISTRATIVE MATTERS Request for Reactivation of Expired Revoked License: Dr. Juliette Zahn, DN17288 Public Health Dental Hygienist Issues: Discussion Staff Action Reports Good Moral Character Limited/Faculty Licensure Unlicensed Practice Revision of Compliance Inspection Form	Memos, Attachments, Form	B. Young

9:50	V	COMPLAINT RESOLUTION--PENDING BOARD CASES DEN-2014-0041: Dr. Victor Alarcon DEN-2014-0042: Dr. Rayan Kafri DEN-2014-0043: Dr. Irina Adler DEN-2014-0044: Iryna Pasco, RDH DEN-2014-0045: Jennifer Harris, RDH DEN-2014-0046: Keri Rogers, RDH DEN-2014-0047: Dr. Stanislav Kovtun DEN-2013-0085: Deborah Grassey, RDH DEN-2013-0086: Dr. Barry Armet DEN-2014-0099: Dr. Joyce Rubin Ginsberg DEN-2013-0167: Cathy A. Malian, RDH DEN-2013-0168: Dr. Zina Gambacorta DEN-2013-1071: Ellen Woolf Norris, RDH SA-INV-6276: Shanti Dental	Investigation Reports	B. Yates, S. Millar, K. O'Connell
10:30	VI	PROBATION MATTERS DN-08-007 et al.: Dr. Joseph Hart--Approval of Monitor DEN-2009-0103: Dr. Shahab Afzaal--Notice of Violation/ Recommendation of Further Discipline	Memos	K. Fishman
10:45	VII	FLEX SESSION		
10:50	VIII	M.G.L. c. 112, §65C SESSION (closed to the public)		
11:30	IX	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 Good Moral Character as required for applicants for licensure. Specifically, the Board will review prior executive session minutes in accordance with M.G.L. ch.30A, § 22(f) for sessions held during the September 3, 2014 meeting.		
12:40	X	ADJUDICATORY SESSION (closed to the public)		
1:00	XI	ADJOURNMENT		

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417
GENERAL SESSION MINUTES
October 1, 2014

Present: Dr. Cynthia Stevens, Board Chair; Ms. Lois Sobel, RDH, Board Secretary; Dr. Stephen DuLong; Dr. David Samuels; 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: Dr. Ward Cromer; Dr. John Hsu

Dr. Keith Batchelder arrived at 8:40 AM. Ms. Diane Grondin arrived at 8:41 AM.

Dr. Milton Glicksman left the meeting for the day at 2:00 PM.

Ms. Diane Grondin and Ms. Lois Sobel left the meeting for the day at 3:05 PM.

Staff Present: 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 8:32 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. General Session Minutes of September 3, 2014

Dr. Glicksman asked to have a summary of the discussion regarding the limited license issue, including the Board's discussion on sending a letter of apology on behalf of

the Board to each community health center, dental school, etc. including in the minutes of the Sept. 3rd meeting. All Board members agreed with this suggestion.

Jim Lavery, DHPL Division Director asked the Board if the letter is to be sent by the Board, by DHPL or by both. Mr. Lavery further explained that the legal issues involved in the limited license issue needed to be reviewed by DPH before the issues could be presented to the Board for its consideration. Mr. Lavery admitted that DHPL could have done a better job reaching out to the involved entities and realized that the quality of patient care suffered a bit as a result of the decision to stop issuing new or renewal limited licenses.

Dr. Stevens noted it is important for the Board to be involved in policy discussions of this magnitude. Dr. Glicksman opined the ultimate responsibility lies with the Board and that the handling of this issue in this manner was not perceived favorably by the dental community. Dr. DuLong noted that the dental schools were also impacted by this decision and explained that training sessions at the BUSDM had to be postponed. Dr. Glicksman and Dr. Batchelder suggested this issue could have been addressed in an emergency meeting of the Board. Dr. Glicksman noted he asked to have an emergency meeting of the Board scheduled but his request was denied.

Ms. Young asked the Board if it wanted DHPL to send the letter or if the letter should be a joint effort of the Board and DHPL. Atty. Leadholm advised the Board a proposed letter to be signed by Mr. Lavery and Dr. Stevens will be presented to the Board for its consideration at the Nov. 5, 2014, meeting.

Motion: To send a joint letter of explanation/apology on behalf of the BORID and DHPL to all community health centers, dental schools, etc. impacted by the decision regarding limited licenses.

Motion Made By: Dr. Milton Glicksman

Second: Dr. Stephen DuLong

Vote: Unanimous

Motion: To amend the General Session Minutes of Sept. 3, 2014, to include a summary of the limited license issue.

Motion Made By: Dr. Milton Glicksman

Second: Ms. Lois Sobel

Vote: Unanimous

Motion: To adopt the General Session Minutes of Sept. 3, 2014, as amended

Motion Made By: Dr. Stephen DuLong

Second: Ms. Lois Sobel

Vote: Unanimous

B. In the matter of Dr. Juliette Zahn

Ms. Young reported she had received several email requests from former patients of Dr. Juliette Zahn demanding she reinstate Dr. Zahn's expired license as soon as possible so the patients could resume their dental treatment with Dr. Zahn. Ms. Young informed the Board she told each former patient she did not have the authority to reinstate Dr. Zahn's license unless and until Dr. Zahn proactively submitted a reactivation application to the Board for its consideration at its next available meeting. One of the more insistent former patients was invited to attend the meeting today to make her request directly to the Board but Ms. Young reported that patient indicated she was not willing to appear in person. Finally, Ms. Young stated a reactivation application has been sent to Dr. Zahn; if and when it is submitted by Dr. Zahn, Ms. Young stated she will include the application on the agenda for the next scheduled Board meeting.

C. Public Health Dental Hygiene - Update

Ms. Young asked the Board to consider the discussions the Board has had previously regarding the current status of the PHDH practice and suggested the Board adopt a policy to require each and every PHDH to acquire and maintain an individual Permit M. Ms. Sobel suggested the Board table that decision in order to invite the interested stakeholders to appear before the Board again to further explore this issue. Ms. Sobel stated she recently attended a dental hygiene conference and several issues arose that need to be resolved by the Board. Ms. Sobel said the attendees had questions regarding PHDHs working for other PHDHs, with the no. of PHDHs a collaborative dentist may supervise, with the status of PHDHs working for schools or clinics, etc. Ms. Young and Dr. Samuels asked what if any new information would be garnered by inviting the same persons to appear before the Board again. Ms. Sobel suggested Ms. Young invite Dr. Brent Martin, Mr. Ned Robinson-Lynch, Ms. Marlene Barnett and Ms. Kathy Pelullo to the Nov. 5th Board meeting; all Board members agreed

Motion: To table the discussion regarding PHDHs until the Nov. 5, 2014, meeting and to invite the above-named individuals to appear before the Board on Nov. 5, 2014

Motion Made By: Ms. Lois Sobel

Second: Ms. Jacyn Stultz

Vote: Unanimous

D. Limited Licenses – Update

Ms. Young submitted the monthly report of limited license dental intern licenses and limited license dental faculty licenses issued this month. Dr. Glicksman asked what the entry meant that stated no records were available; Mr. Mills explained that some limited licensees have been issued licenses for several years and the original licensure files are no longer stored on site but are stored in the state archives.

E. Compliance Inspection Form

Ms. Young submitted the final version of the compliance inspection form and asked the Board for any suggestions or improvements. Ms. Sobel asked if the purpose of this form was only to assist the dental investigators; Ms. Wilkie replied the intent was to help licensees understand what is required and what will be reviewed during an office inspection as well as streamlining the inspection process for the investigators.

Ms. Young noted the form references the particular sections of the 2003 CDC Guidelines as appropriate but the form will need to be updated/revised if and when the CDC completes its current review of the 2003 guidelines. Atty. Leadholm advised the Board that even if the CDC updates their guidelines, the Board's regulations specifically refer to the 2003 version so the Board and licensees will be bound by the 2003 guidelines unless and until the Board amends its regulations.

Mr. Mills noted a few typographical errors on line items #22, 37, and 40.

Motion: To adopt the revised compliance inspection form (after amended as appropriate) and to post the revised form on the Board's website

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

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

Ms. Held asked if the CDC guidelines state recommendation does that mean it is required by the Board; Dr. DuLong replied that if the Board adopts the CDC guidelines as written, then compliance with the guidelines becomes required. Dr. DuLong asked Mr. David White, MDS liaison to the Board, to please inform its members of this revised form as soon as possible; Mr. White replied he would do so once the form is posted on the Board's website.

F. Flex Session

1. Ms. Young asked the Board for its input on the format of the investigative report (IR) as she is attempting to streamline the process to make it easier for the investigators to write and for the Board members to read. Ms. Grondin noted the IR can be confusing sometimes as it's not easy to determine which voice is speaking. Dr. Batchelder noted he has problems downloading the IRs and suggested all IRs be sent to the Board in a zip file. Dr. Samuels contacted the DPH IT dept. and was told a zip file is doable. Ms. Sobel noted the IRs are too lengthy and take too long to read. Ms. Wilkie noted she skips several sections of the IRs as the information contained in some sections is not relevant while some sections are very important. Ms. Wilkie noted she sometimes relies on the investigators to highlight what's important on each case but Atty. Leadholm advised the

Board it should take care in relying on someone else's interpretation as that is the duty of each Board member.

2. Dr. Samuels asked the issue of the first licensure cycle for all newly licensed dental assistants be added to the agenda for the Nov. 5, 2014, meeting as he has serious concerns all dental assistants will not be licensed by January 1, 2015, as required.

3. Dr. Batchelder asked for an update on the status of levying fines on licensees and on increasing the no. and breadth of staff action policies. Ms. Young advised this issue will be added to the agenda for the Nov. 5th meeting; Atty. Leadholm advised the Board that other DHPL boards do not currently levy fines against licensees.

4. Ms. Wilkie noted she received an email from the Norfolk County District Attorney's office regarding the drug task force and its opioid safe prescribing guidelines; Ms. Wilkie asked to have this issue added to the agenda for the Nov. 5th meeting.

5. Mr. Mills noted the Board of Registration in Pharmacy is soon to revise its classification of oxycodone medications and stated this issue will be added to the agenda for the Nov. 5th meeting.

The Board took its morning recess at 10:45 AM and resumed the meeting at 10:52 AM.

Complaint Resolution—Investigator Barbara Yates

--In the Matter of DEN-2014-0041: Dr. Victor Alarcon

The licensee and Toby Bright, Esq. were present for the discussion and vote of the Board on this matter. The licensee did not address the Board.

Allegation: Infection Control Violations

Discussion: Investigator Yates informed the Board the licensee is a part-time associate at a large group practice. Ms. Yates also informed the Board the Mass. Dental Society has yet to correct the glitch in their CEU registration system, i.e. a licensee may register for 2 courses scheduled at the same time, and receive credit for both, if the registration is done in person at the Yankee Dental Congress.

Dr. Samuels asked if the concurrent course was removed from the licensee's list of CEUs, would he still have the requisite no. of CEUs; Ms. Yates replied yes.

Motion: **To offer a Consent Agreement for Stayed 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 Licensee, the matter will be referred to Prosecution.

Motion Made By: Dr. David Samuels
Second: Dr. Milton Glicksman
Discussion (cont'd): Dr. DuLong noted he was concerned about the licensee's failure to disclose an arrest for OUI on 1/7/12 when he renewed his dental license on 1/25/12 and suggested a non-disciplinary resolution to this case may not be appropriate.

Amended Motion: **To offer a Consent Agreement for Stayed Probation for 1 Year to include the following remedial coursework:**

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

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

Amended Motion Made By: Dr. Milton Glicksman

Second: Ms. Ailish Wilkie

Vote: Unanimous

Complaint Resolution—Investigator Barbara Yates

--In the Matter of DEN-2014-0042: Dr. Rayan Kafri

The licensee and Toby Bright, Esq. were present for the discussion and vote of the Board on this matter. The licensee did not address the Board.

Allegation: Infection Control Violations

Discussion: Investigator Yates informed the Board this licensee is another associate of the same group practice.

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

- **3 Hours: Infection Control**

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

Motion Made By: Dr. Milton Glicksman

Second: Ms. Lois Sobel

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

- 3 Hours: Infection Control

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

Amended Motion Made By: Dr. David Samuels

Second: Dr. Stephen DuLong

Discussion (cont'd): Ms. Wilkie asked why the Board is setting a time limit and suggested the licensee be able to terminate his probationary period early if he completes the remedial coursework early.

Amended Motion: To offer a Consent Agreement for Stayed Probation for 6 months as stated above but with the added condition the stayed probation period may end earlier upon the successful completion of the remedial coursework.

Amended Motion Made By: Dr. David Samuels

Second: Dr. Stephen DuLong

Vote: Unanimous

Complaint Resolution—Investigator Barbara Yates

--In the Matter of DEN-2014-0043: Dr. Irina Adler

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

Allegation: Infection Control Violations

Discussion: Investigator Yates informed the Board this licensee is another associate dentist in the same large group practice and is not a dental hygienist.

Dr. DuLong asked if this licensee administers nitrous oxide oxygen; Ms. Yates replied she does not.

Motion: To offer a Consent Agreement for Stayed Probation for 6 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 remedial coursework

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

Motion Made By: Dr. David Samuels

Second: Dr. Milton Glicksman

Discussion (cont'd): Atty. Leadholm asked the Board if it was crediting the licensee with completing the pain management course during the last licensure cycle; the Board replied yes.

Ms. Sobel suggested the Board include a remedial course in risk management but could not offer a reason for the request when asked.

Vote: Unanimous

Complaint Resolution—Investigator Barbara Yates

--In the Matter of DEN-2014-0044: Iryna N. Pasco, RDH

The licensee and Toby Bright, Esq. were present for the discussion and vote of the Board on this matter; the licensee did not address the Board.

Allegation: Infection Control Violations

Discussion: After the presentation of the complaint by Investigator Yates, the Board opted to not discuss the matter.

Motion: To offer a Consent Agreement for Stayed Probation for 6 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 remedial coursework

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

Motion Made By: Dr. David Samuels

Second: Ms. Lois Sobel

Vote: Unanimous

Complaint Resolution—Investigator Barbara Yates

--In the Matter of DEN-2014-0045: Jennifer Harris, RDH

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

Allegation: Infection Control Violations

Discussion: Ms. Stultz asked when this licensee graduated from dental hygiene school; Ms. Yates replied the licensee graduated approx. 11 years ago. Ms. Stultz stated she was troubled by the failure of the licensee to take responsibility for the infection control issues in their office.

Motion: **To offer a Consent Agreement for Stayed Probation for 6 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 remedial coursework**

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

Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

Discussion (cont'd):

Ms. Stultz suggested the Board include remedial coursework in ethics; Ms. Sobel agreed but noted the Board did not approve including an ethics course. Dr. Glicksman stated he does not agree the licensee is ethically challenged, but is careless.

Ms. Grondin agreed with Dr. Glicksman and stated the part-time employees have the right to expect the practice owners are complying with the regulations. She further stated she would sanction the practice owners and full-time employees suggesting a 2 year stayed probation with remedial coursework in risk management, ethics and infection control.

Ms. Held stated she agreed with Ms. Grondin but noted this licensee did complete an infection control course. Dr. DuLong noted the practice owner is more responsible but the licensee knew what to do and chose not to comply opining it is not a matter of a lack of education but rather a case of being careless or lazy.

Ms. Stultz agreed but stated she felt the individual licensees should still be individually responsible.

Vote:

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

Complaint Resolution—Investigator Barbara Yates

--In the Matter of DEN-2014-0046: Keri Rogers, RDH

The licensee and Brian Sullivan, Esq. were present for the discussion and vote of the Board on this matter; the licensee did not address the Board.

Ms. Jacyn Stultz recused herself from the discussion and vote of the Board on complaint DEN-2014-0046: Keri Rogers, RDH.

Allegation: Infection Control Violations

Discussion: Investigator Yates reported this licensee mainly worked part time two days a week as a dental assistant in the large group practice and only occasionally treated patients as a dental hygienist.

Dr. Samuels noted that the purpose of offering a consent agreement for stayed probation to the other licensees of this group practice has been achieved by this licensee.

Motion: To dismiss the complaint without prejudice
Motion Made By: Dr. David Samuels
Second: Dr. Milton Glicksman
Vote: **In Favor:** Dr. David Samuels; Dr. Keith Batchelder; Dr. Milton Glicksman; Ms. Lois Sobel; Ms. Kathleen Held; Ms. Ailish Wilkie; Dr. Stephen DuLong
Opposed: None
Abstain: Dr. Cynthia Stevens

Complaint Resolution—Investigator Barbara Yates

--In the Matter of DEN-2014-0047: Dr. Stanislav Kovtun

The licensee and Toby Bright, Esq. were present for the discussion and vote of the Board on this matter; the licensee did not address the Board.

Allegation: Infection Control Violations

Discussion: Dr. Samuels asked if the licensee was only missing one week of spore test results in 2 years; Ms. Yates replied she did not know as she only asked for the spore test results from the last quarter.

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

- 3 Hours: Managing Emergencies in a Dental Office
- Stayed probation period may be terminated early by the licensee upon evidence of the successful completion of the remedial coursework

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

Motion Made By: Dr. David Samuels

Second: Ms. Ailish Wilkie

Amended Motion: To offer a Consent Agreement as stated but to also include:

- 3 Hours: Risk Management

Amended Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

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

Complaint Resolution—Investigator Barbara Yates

--In the Matter of DEN-2013-0085: Deborah Grasse, RDH

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

Allegation: Unlicensed Practice of Dental Hygiene

Discussion: Investigator Yates informed the Board the licensee's dental hygiene license expired in March 2011 but she did not contact the Board to renew her expired license until March 2013; it was renewed in April 2013.

Ms. Wilkie suggested a reprimand is appropriate but asked how to include remedial coursework. Ms. Young reminded the Board it will be difficult for probation to track compliance with remedial coursework on a consent agreement for reprimand.

Motion: **To offer a Consent Agreement for a Reprimand to include the following remedial coursework:**

- **3 Hours: Infection Control (live course only)**

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

Discussion (cont'd): Ms. Sobel suggested practicing dental hygiene for 2 years without a valid license should warrant discipline greater than a reprimand. Dr. Batchelder disagreed noting this licensee did complete all requisite CEUs even though her license had expired.

Vote: Unanimous

Complaint Resolution—Investigator Barbara Yates

--In the Matter of DEN-2013-0086: Dr. Barry C. Armet

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 Yates informed the Board this licensee employed Ms. Grasse and was deficient in his requisite CEUs.

Motion: **To offer a Consent Agreement for Stayed Probation for 6 Months to include completion of 6 hours of deficient CEUs**

- **Stayed probation period may be terminated early by the licensee upon evidence of the successful completion of the deficient coursework**

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

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Stephen DuLong

Discussion (cont'd): Ms. Grondin asked if all licensees are required to post their licenses where they work; Dr. Glicksman stated yes but noted this question could be asked of all licensees who appear before the Board.

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

Discussion (cont'd): Atty. Leadholm advised the Board to adopt a policy, by separate motion and vote, to offer licensees the possibility of early termination of their respective probationary periods upon evidence of the successful completion of remedial or deficient coursework. Atty. Leadholm also advised the Board it needs to clearly state the maximum time period for the stayed probation.

Motion: **To adopt a policy of offering licensees the possibility of early termination of their probationary period upon evidence of the successful completion of remedial or deficient coursework.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Stephen DuLong

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

(Motion Failed)

Motion: To ask board counsel to draft a proposed consent agreement template with the appropriate language for consideration by the Board at the Nov. 5th meeting.

Motion Made By: Dr. David Samuels

Second: Ms. Lois Sobel

Vote: Unanimous

Complaint Resolution—Investigator Barbara Yates

--In the Matter of DEN-2014-0099: Dr. Joyce Rubin Ginsberg

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

Allegation: Employment of an Unlicensed Practice Dental Hygienist

Discussion: Investigator Yates informed the Board this licensee was also an employer of Ms. Grassey.

Motion: To offer a Consent Agreement for Stayed Probation for 6 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: Dr. Milton Glicksman

Second: None

Discussion (cont'd): Dr. Samuels noted this licensee has already taken a pain management course and suggested the Board dismiss the case with an advisory letter.

Dr. Batchelder suggested the Board consider levying a fine against the licensee.

Dr. Glicksman withdrew his motion.

Motion: To dismiss the complaint with an advisory letter that the pain management course completed by the licensee will only be credited to the 2012-2014 licensure cycle.

Motion Made By: Ms. Ailish Wilkie

Second: Ms. Lois Sobel

Vote: Unanimous

Complaint Resolution—Investigator Sarah Millar

--In the Matter of DEN-2013-0167: Cathy Arakelian Malian, RDH

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

- Allegation:** Unlicensed Practice of Dental Hygiene
- Discussion:** After the presentation of the complaint by Investigator Millar, the Board opted to not discuss the matter.
- Motion:** **To offer a Consent Agreement for a Reprimand with the following remedial coursework:**
- **3 Hours: Infection Control (live course only)**
- If this agreement is not accepted by the licensee, the matter will be referred to prosecution.**
- Motion Made By:** Ms. Ailish Wilkie
- Second:** Ms. Lois Sobel
- Vote:** Unanimous

Complaint Resolution—Investigator Sarah Millar

--In the Matter of DEN-2013-0168: Dr. Zina Gambacorta

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 Millar informed the Board this licensee is the employer of Ms. Malian.
- Motion:** **To offer a Consent Agreement for Stayed Probation for 1 Year to include completion of 11 hours of deficient CEUs.**
- If this agreement is not accepted by the licensee, the matter will be referred to prosecution.**
- Motion Made By:** Dr. Milton Glicksman
- Second:** Ms. Lois Sobel

Discussion (cont'd): Ms. Mills asked if the Board was including an advisory on employing unlicensed dental hygienists.

Ms. Wilkie asked why the Board was offering 1 year when the practice of the Board in these situations was to offer 3 months stayed probation; Dr. DuLong agreed but suggested 6 months stayed probation.

Amended Motion: **To offer a Consent Agreement for Stayed Probation for 6 Months to include completion of 11 hours of deficient CEUs.**

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

Amended Motion Made By: Ms. Ailish Wilkie

Second: Dr. Stephen DuLong

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

Complaint Resolution—Investigator Sarah Millar

--In the Matter of DEN-2013-0171: Ellen C. Woolf Norris, RDH

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

Allegation: Unlicensed Practice of Dental Hygiene

Discussion: After the presentation of the complaint by Investigator Millar, the Board opted to not discuss the matter.

It was noted the licensee completed 14 hours of CEUs, including 3 hours of infection control, in August 2013; this coursework will be credited to the 2011-2013 licensure cycle only.

Motion: **To offer a Consent Agreement for a Reprimand to include completion of 14 hours of deficient CEUs and the following remedial coursework:**

- **3 Hours: Infection Control**

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

Motion Made By: Ms. Ailish Wilkie
Second: Dr. Stephen DuLong
Vote: Unanimous

Complaint Resolution—Investigator Kathleen O’Connell

--In the Matter of SA-INV-6276: Shanti Dental

The licensee/practice owner 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 O’Connell, the Board opted to not discuss the matter.
Motion: **To not open a complaint as no evidence of violation found.**
Motion Made By: Dr. Milton Glicksman
Second: Dr. Stephen DuLong
Vote: Unanimous

Complaint Resolution – Probation Monitor Karen Fishman

--In the Matter of DN-08-007, et al: Dr. Joseph Hart

The licensee was not present for the discussion and vote of the Board on these matters.

Discussion: Ms. Fishman informed the Board she was asking the Board to approve a substitute practice monitor suggested by the licensee. She further reminded the Board they had asked her to contact the monitor’s references and she had done so reporting no one stated they had any concerns about endorsing the proposed substitute monitor.
Motion: **To approve Dr. Peiman Beigi as the substituted practice monitor for the licensee.**
Motion Made By: Ms. Lois Sobel
Second: Dr. Keith Batchelder

Discussion (cont'd): Dr. Samuels asked Ms. Fishman if there was any known association between the licensee and Dr. Beigi; Ms. Fishman replied none to her knowledge.

Vote: Unanimous

Complaint Resolution – Probation Monitor Karen Fishman

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

The licensee was not present for the discussion and vote of the Board on this matter but his attorney of record, Vincent Dunn, Esq. was present and addressed the Board as appropriate.

Discussion: Ms. Fishman reminded the Board it has asked her and Atty. Dunn to locate the licensee if possible as the licensee had lost touch with Ms. Fishman.

Atty. Dunn reported the licensee has not been in touch with him and has not responded to letters or phone messages from Atty. Dunn. Ms. Wilkie asked if it was known if the licensee was currently practicing dentistry; Ms. Fishman and Atty. Dunn stated they did not know.

Dr. Glicksman suggested the Board decide its action even in the licensee's absence as the licensee is licensed to practice dentistry elsewhere. Ms. Fishman suggested the Board may consider suspending the licensee's license. Atty. Leadholm advised the Board it may suspend the licensee's license or it may extend the licensee's probationary period.

Dr. Glicksman suggested Ms. Fishman send a letter to the licensee stating he must respond in 7 days but Ms. Wilkie noted Ms. Fishman had already done so.

Atty. Dunn stated he was concerned about the licensee's health as the licensee had always stayed in touch with him.

Motion: **To table the discussion on this matter until the Nov. 5, 2014, meeting so that Atty. Dunn or Ms. Fishman may contact the licensee.**

Motion Made By: Dr. Stephen DuLong

Second: Dr. David Samuels

Discussion (cont'd): Ms. Wilkie suggested running a PMP on the licensee as that may indicate if the licensee is currently practicing dentistry; Dr. DiFabio agreed but stated she cannot do so without the licensee's DEA number.

Atty. Dunn stated he would update the Board as to the licensee's status at the Nov. 5th meeting.

Vote: Unanimous

Motion: **At 11:40 AM, to reorder the proposed agenda – to enter Executive Session to be followed by a 65C Session**

Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

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

At 11:41 AM, 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 11:43 AM, to enter Executive Session pursuant to M.G.L. c. 30A, §21(a)(1)**

Motion Made By: Dr. Stephen DuLong

Second: Ms. Lois Wilkie

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

The Board recessed for lunch at 1:00 PM and resumed the meeting at 1:40 PM.

Motion: **At 3:24 PM, to leave Executive Session**

Motion Made By: Dr. David Samuels

Second: Dr. Keith Batchelder

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

Motion: **At 3:25 PM, to Enter M.G.L. c. 112, §65C Session**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Stephen DuLong

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

Motion: **At 3:50 PM, to leave M.G.L. c. 112, §65C Session**

Motion Made By: Dr. David Samuels

Second: Dr. Stephen DuLong

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

Motion: **At 3:51 PM, to enter an Adjudicatory Session**

Motion Made By: Dr. Stephen DuLong

Second: Dr. David Samuels

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

Motion: **At 4:15 PM, to leave the Adjudicatory Session and to
adjourn the meeting**

Motion Made By: Dr. David Samuels

Second: Dr. Stephen DuLong

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

Respectfully submitted,

Ms. Lois Sobel, RDH Board Secretary

Date