

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF DENTISTRY

TIME: 11:20 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

January 10, 2025

State Board of Dentistry
January 10, 2025

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs - Absent
Jennifer Unis Sullivan, D.M.D., J.D., Chairperson
Shawn M. Casey, D.M.D., Vice Chairperson
Brice D. Arndt, D.D.S.
Barbara (Bonnie) L. Fowler, Public Member
Godfrey Joel Funari, M.S., D.M.D.
Joel S. Jaspan, D.D.S.
Andrew S. Matta, D.M.D.
LaJuan M. Mountain, D.M.D.
Donna L. Murray, RDH, PHDHP, MSDH
Joyce Warwick, D.M.D.
Brian Wyant, Public Health Program Director,
Department of Health designee
Molly Pohlhaus, Deputy Attorney General, Office of
Attorney General

BUREAU PERSONNEL:

Carolyn A. DeLaurentis, Esquire, Executive Deputy
Chief Counsel, Department of State
Ronald K. Rouse, Esquire, Board Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
and Board Prosecution Liaison
Timothy J. Henderson, Esquire, Board Prosecutor
Gregory S. Liero, Esquire, Board Prosecution
Sarah E. Buhite, Esquire, Board Prosecutor
Denice Szekely, Esquire, Board Prosecutor
Mark R. Zogby, Esquire, Board Prosecutor
James Abels, Board Administrator
Thomas Leech II, Administrative Officer 2
Carlton Smith, Esquire, Deputy Chief Counsel,
Prosecution Division
Michael Merten, Esquire, Board Counsel, State Board
of Barber Examiners
Piri Pantoja Jr., Deputy Director of Legislative
Affairs, Department of State
Deena Parmelee, Legal Office Administrator 1,
Department of State

State Board of Dentistry
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ALSO PRESENT:

Joan Burke, CDA, EFDA, President, Pennsylvania
Dental Assistants Association
Kathleen Bumpers, Government Relations Manager,
Pennsylvania Dental Association
Wesley J. Rish, Esquire, Rish Law Office, LLC
Elizabeth Burdett, MPA, Legislative Analyst, Cozen
O'Connor Public Strategies
Nicole Payonk, Policy & Advocacy Coordinator,
Pennsylvania Coalition for Oral Health
W. Charles Sipio, Esquire, Karpf, Karpf & Cerutti,
P.C.
Steve Neidlinger, CAE, Executive Director,
Pennsylvania Academy of General Dentistry
Barbara Reiprich, RDH, PHDHP, President, Pennsylvania
Dental Hygienists' Association
Kimberly Bury, RDH, PHDHP, BS, President-Elect,
Pennsylvania Dental Hygienists' Association
Morgan Plant, Government Relations Consultant,
Pennsylvania Dental Hygienists' Association
Max G. Moses, JD, CPA, MBA, Executive Director,
Academy of General Dentistry
Michael Bianchi, D.D.S., Executive Director,
Pennsylvania Office Anesthesia Evaluation Program,
Pennsylvania Society of Oral and Maxillofacial
Surgeons
Carolina Hernandez, Executive Director at American
Academy of Implant Dentistry
Kathleen Kennedy, Pennsylvania Dental Association
Michael Kaner, D.M.D.
Allison Walker, Sargent's Court Reporting Service,
Inc.

State Board of Dentistry

January 10, 2025

[Pursuant to Section 708(a)(5) of the Sunshine Act, at 9:00 a.m. the Board entered into Executive Session with Ronald K. Rouse, Esquire, Board Counsel, to have attorney-client consultations and for the purpose of conducting quasi-judicial deliberations. The Board returned to open session at 11:00 a.m.]

[Ronald K. Rouse, Esquire, Board Counsel, informed everyone that the meeting of the State Board of Dentistry was being held in a hybrid format, both in-person and by livestream teleconference, pursuant to Act 100 of 2021, which requires boards to use a virtual platform to conduct business when a public meeting is held.

Mr. Rouse noted the meeting was being recorded and voluntary participation constituted consent to be recorded.

Mr. Rouse also noted the Board entered into Executive Session with Board Counsel to have attorney-client consultations and for the purpose of conducting quasi-judicial deliberations.]

1 MS. FOWLER:

2 Second.

3 CHAIR SULLIVAN:

4 May I have a roll call vote, please?

5

6 Sullivan, aye; Arndt, aye; Fowler, aye;

7 Funari, aye; Jaspan, aye; Matta, aye;

8 Mountain, aye; Murray, aye; Warwick,

9 aye; Wyant, aye; Pohlhaus, abstain;

10 Casey.

11 [The motion carried. Molly Pohlhaus abstained from
12 voting on the motion. Shawn Casey experienced
13 technical difficulties and did not vote on the
14 motion.]

15 ***

16 Report of Prosecutorial Division

17 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor
18 and Prosecution Liaison, presented the Consent
19 Agreement for Case No. 24-46-017473.]

20 MR. ROUSE:

21 Regarding the Consent Agreement at item
22 2 on the agenda, Case No. 24-46-017473,
23 after discussion in Executive Session,
24 I believe the Chair would entertain a
25 motion adopt the Consent Agreement.

1 [Shawn M. Casey, D.M.D., Vice Chair, exited the
2 meeting at 11:33 a.m. due to technical difficulties.]

3 MR. ROUSE:

4 Would the Chair entertain a motion to
5 adopt the Consent Agreement?

6 CHAIR SULLIVAN:

7 Yes.

8 DR. JASPAN:

9 So moved.

10 CHAIR SULLIVAN:

11 Do I have a second?

12 MS. MURRAY:

13 Second.

14 CHAIR SULLIVAN:

15 May I have a roll call vote, please?

16

17 Sullivan, aye; Arndt, aye; Fowler, aye;
18 Funari, aye; Jaspan, aye; Matta, aye;
19 Mountain, aye; Murray, aye; Warwick,
20 aye; Wyant, aye; Pohlhaus, aye.

21 [The motion carried unanimously. That is In the
22 Matter of the License to Practice as a Dentist held
23 by CONFIDENTIAL, Case # 24-46-017473.]

24 ***

25 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor

1 and Prosecution Liaison, presented the Consent
2 Agreement for Case No. 24-46-003635 at item # 3 on
3 the agenda.

4 Dr. Funari expressed concern with having no civil
5 penalty or cost of investigation if an individual
6 treated patients outside of their community and did
7 not cooperate with the investigation. He believed
8 the Board's statement is not strong enough.

9 Mr. Jarabeck explained that the unlicensed
10 individual has accepted to cease their practice
11 through the Consent Agreement, where a licensed
12 individual understood a civil penalty, fine, or costs
13 may be imposed in order to continue their practice.

14 Mr. Jarabeck addressed fiscal responsibility,
15 where they are trying to resolve the issue as quickly
16 as possible to protect the public. He explained that
17 it will likely not settle if they try to get money
18 and will likely burgeon until the time the matter
19 goes to a hearing. He noted that he also would not
20 have the Cease-and-Desist Order.

21 Board members wished to return to Executive
22 Session for further discussion.]

23 ***

24 [Gregory S. Liero, Esquire, Board Prosecutor,
25 presented the Consent Agreement for Case No. 19-46-

1 009520 at item # 4 on the agenda.]

2 MR. ROUSE:

3 Regarding the Consent Agreement at item
4 4 on the agenda, Case No. 19-46-009520,
5 after discussion in Executive Session,
6 I believe the Chair would entertain a
7 motion to adopt the Consent Agreement.

8 CHAIR SULLIVAN:

9 Do I have a motion?

10 DR. JASPAN:

11 So moved.

12 CHAIR SULLIVAN:

13 Do I have a second?

14 MS. MURRAY:

15 Second.

16 CHAIR SULLIVAN:

17 May I have a roll call vote, please?

18
19 Sullivan, aye; Arndt, aye; Fowler, aye;
20 Funari, aye; Jaspan, aye; Matta, aye;
21 Mountain, aye; Murray, aye; Warwick,
22 aye; Wyant, aye; Pohlhaus, aye.

23 [The motion carried unanimously. That is the matter
24 of BPOA v. Frank A. Altier Jr., D.M.D.]

25 ***

1 [LaJuan M. Mountain, D.M.D, exited the meeting at
2 11:46 a.m. for recusal purposes.]

3 ***

4 [Timothy J. Henderson, Esquire, Board Prosecutor,
5 presented the Consent Agreement for Case No. 22-46-
6 011753 at item # 5 on the agenda.]

7 MR. ROUSE:

8 Regarding the Consent Agreement at item
9 5 on the agenda, Case No. 22-46-011753,
10 after discussion in Executive Session,
11 I believe the Chair would entertain a
12 motion to adopt the Consent Agreement.

13 CHAIR SULLIVAN:

14 Can I have a motion, please?

15 DR. JASPAN:

16 So moved.

17 CHAIR SULLIVAN:

18 May I have a second?

19 MS. MURRAY:

20 Second.

21 CHAIR SULLIVAN:

22 Can we please have a roll call vote?

23

24 Sullivan, aye; Arndt, aye; Fowler, aye;

25 Funari, aye; Jaspán, aye; Matta, aye;

1 Murray, aye; Warwick, aye; Wyant, aye;
2 Pohlhaus, aye.

3 [The motion carried. LaJuan Mountain recused herself
4 from deliberations and voting on the motion. That is
5 the matter of BPOA v. Deron T. Kovac, D.M.D., Case
6 No. 22-46-011753.]

7 ***

8 [LaJuan M. Mountain, D.M.D, reentered the meeting at
9 11:49 a.m.]

10 ***

11 Appointment - Annual Prosecution Report

12 [Carlton Smith, Esquire, Deputy Chief Counsel,
13 Prosecution Division, presented the Annual
14 Prosecution Report for 2024; item 18 on the agenda.
15 He noted the total number of complaints received and
16 processed by the Prosecution Division is up from
17 around 19,000 in 2023 to around 22,900 in 2024.

18 Mr. Smith reported over 37,000 active licensees
19 for the State Board of Dentistry. He noted 573 cases
20 were opened in 2024, 674 are currently open, and 455
21 cases were closed. He mentioned the average age to
22 close a case was 387 days in 2024.

23 Mr. Smith reported 10 fines were imposed in 2024.
24 He noted fines under Act 48 are typically associated
25 with lapsed licenses. He also reported 9 fines

1 relative to cost associated with prosecution, 9
2 probations, and 10 suspensions.

3 Mr. Smith addressed cases where there was no
4 discipline under Z02 prosecution not warranted cases
5 and reported 290 cases. He stated prosecution
6 considers the strength of the case, witnesses, and
7 experts to determine whether there was some type of
8 unprofessional conduct or breach in the standard of
9 care. He noted 20 complaints were withdrawn in 2024.

10 Mr. Smith addressed warning letters, noting
11 prosecution also looks at the strength of the case,
12 witnesses, documentation, expert opinions, and
13 disciplinary history to determine whether a warning
14 letter is appropriate.

15 Mr. Smith referred to the 573 cases that were
16 opened and provided a breakdown by case category. He
17 reported incompetence was the largest number of cases
18 and then reports of settlements and lawsuits. He
19 noted the next categories for cases opened fall under
20 unprofessional conduct, patient abuse, and fraud.]

21 ***

22 Appointment - Office Inspections for Unrestricted and
23 Restricted I Anesthesia Permit Holders; item 19 on
24 the agenda.

25 [Michael Bianchi, D.D.S., Executive Director,

1 Pennsylvania Office Anesthesia Evaluation Program,
2 explained that the Pennsylvania Office Anesthesia
3 Evaluation Program is authorized by the State Board
4 of Dentistry through the Pennsylvania Society of Oral
5 and Maxillofacial Surgeons. He further explained
6 that they are the reviewing body for evaluation of
7 all practitioners who provide dental anesthesia
8 services in the Commonwealth of Pennsylvania.

9 Dr. Bianchi stated each anesthesia permit holder
10 is evaluated every 6 years according to the Dental
11 Practice Act, which includes oral surgeons, dental
12 anesthesiologists, pediatric dentists, and
13 restorative dentists. He informed Board members of a
14 current problem with multiple sites, where anesthesia
15 is provided by non-permit holder offices.

16 Dr. Bianchi further explained that a corporate
17 entity will contact a practitioner who is a permit
18 holder and ask them to provide anesthesia services in
19 their office. He stated the services may have up to
20 15 sites where this provider is now visiting offices.
21 He noted the structure of the Anesthesia Evaluation
22 Program is based on the dentist permit holder and
23 their responsibility to the patient, office, medical
24 records, and training of auxiliary personnel in order
25 to provide a safe environment.

1 Dr. Bianchi stated the program is considering
2 offering two tiers of attestation. He mentioned that
3 attestation is currently allowed when a permit holder
4 owns an office and decides to open up a satellite
5 office if they attest to the fact that they are
6 training their staff and have the same drugs and
7 procedures in effect.

8 Dr. Bianchi mentioned that it becomes very
9 difficult with multiple franchisee and corporate
10 entities, noting visiting a couple of sites and
11 changing their consent forms, how they manage their
12 patients, etc., and then revisiting the site when
13 somebody else needed to be evaluated and everything
14 was totally different again.

15 Dr. Bianchi addressed two different ways to
16 receive attestation, including attestation with the
17 office anesthesia program for a practice where the
18 permit holder owns the practice or is part of the
19 practice and attestation for a non-permit holder who
20 employs a permit holder. He referred to the Dental
21 Practice Act in Pennsylvania, noting there is certain
22 accommodation in that act for basic contracts and
23 agreements to request access.

24 Dr. Bianchi explained that a non-permit holder
25 licensee who maintains offices in which general

1 anesthesia or sedation is administered has to have 5
2 hours of continuing education every 2 years, and if
3 they cannot produce that continuing education
4 beforehand, they will not review them for that
5 office.

6 Dr. Bianchi stated in the case of a permit holder
7 who decided to work for a non-permit holder,
8 according to state law, need to have certification
9 that all the equipment and processes in the office
10 are standardized and meet the requirements of either
11 the American Dental Association (ADA), the American
12 Association of Oral and Maxillofacial Surgeons
13 (AAOMS), or the American Academy of Pediatric
14 Dentistry, which have to be written.

15 Dr. Bianchi explained that there will be two
16 different avenues going forward for attestation of
17 additional offices. He noted that the problem still
18 comes about when they have multiple practitioners in
19 each office or have a practitioner who is trying to
20 attest to 15 different sites. He referred to AAOMS
21 guidelines for unrestricted permits, where the
22 practitioner is responsible for training staff in
23 every site and becomes a problem with documentation.
24

25 Dr. Bianchi reported on alerting people of this

1 problem and wanted to alert the Board of the problems
2 and processes they are starting with the committee,
3 and they are instructing their evaluators in case the
4 Board receives pushback from people asking why they
5 need to show the agreements.

6 Dr. Bianchi noted the agreements are outlined in
7 the Dental Practice Act for sedation, and they are
8 not planning on deviating from those guidelines. He
9 stated the program works with all candidates for
10 permits and tries to accommodate them as much as
11 possible.

12 Dr. Bianchi reported a number of people are
13 coming to Pennsylvania from out of state to apply for
14 an anesthesia permit once or twice a week and may go
15 to offices in Philadelphia and Pittsburgh to provide
16 care and services. He noted they try to monitor them
17 and make recommendations but may be seen by the Board
18 later because follow-up care is very limited.

19 Mr. Jarabeck stated he supports Dr. Bianca but
20 wanted to make it clear that the Board will not have
21 contact concerning individual matters of compliance
22 on individual cases, because the matters will be sent
23 through the prosecutorial process. He noted asking
24 Dr. Bianchi to provide an overview of matters that
25 are changing or of importance to the Board so that

1 the Board has knowledge and an understanding of those
2 developments occurring in the practice.

3 Dr. Jaspan commented that there are certain
4 physical requirements the other offices must have
5 when a permit holder travels to other offices but
6 asked for clarification as to whether those offices
7 are inspected to make sure all of the physical
8 requirements are met so that the permit holder can
9 provide services or is it up to the permit holder.

10 Dr. Bianchi explained that if a permit holder
11 travels to another office and is a dental
12 anesthesiologist that they have two ways of providing
13 services. He noted they could bring their own staff
14 and equipment, where the permit holder is required by
15 state law to give in writing a certification to the
16 non-permit holder office that he is practicing in
17 that all of his equipment and practices are up to
18 standard according to the ADA and the American
19 Association of Oral and Maxillofacial Surgery
20 guidelines.

21 Dr. Bianchi noted that another way is when
22 equipment is provided by the non-permit holder office
23 and the permit holder comes into that office to
24 practice, where it is incumbent upon the permit
25 holder to inspect the office and give written

1 certification to the non-permit holder to let them
2 know everything is appropriate and meets the
3 standards put out by ADA and AAOMS.

4 Dr. Bianchi mentioned that dental
5 anesthesiologists have this situation arise all the
6 time, and they previously never asked for copies of
7 the agreements, but in order for them to be complete
8 with following the mandate in the Dental Practice
9 Act, they will have to request the agreements to make
10 sure a non-permit holder who has someone practice in
11 their office is getting their 5 continuing education
12 credit hours every 2 years.

13 Dr. Bianchi informed Board members that the
14 forms they provide for the Board will probably have
15 the two different avenues for attestation, one for
16 the permit holder and one for the non-permit holder
17 situations.

18 Dr. Funari thanked Dr. Bianchi, along with his
19 committee and regional directors, for taking on this
20 issue over the last couple of years and improving the
21 process. He mentioned that he has also instituted
22 continuing education (CE) courses for permit holders.
23 He mentioned that some states approach this issue by
24 having a separate license for any facility that
25 performs anesthesia in addition to the individual

1 licenses for the individual administering the
2 anesthesia.

3 Dr. Funari stated there would need to be more
4 manpower in order for Pennsylvania to be able to
5 inspect on a 5-year basis and require revision of the
6 anesthesia instruction, which would probably be a
7 legislative action. He explained that Dr. Bianchi is
8 proposing a quick way to address what is becoming an
9 increasingly large issue with the administration of
10 anesthesia in the state of Pennsylvania.]

11 ***

12 Report of Board Counsel - Regulations - Regulatory
13 Report

14 [Ronald K. Rouse, Esquire, Board Counsel, provided a
15 copy of the Regulatory Report. He informed Board
16 members that he would be presenting the general
17 revisions regulation for the Board to review at the
18 next meeting.]

19 ***

20 Report of Board Counsel - Regulation 16A-4629 (Mobile
21 Vans)

22 [Ronald K. Rouse, Esquire, Board Counsel, informed
23 Board members that he was unable to have language for
24 Regulation 16A-4629 regarding mobile vans available
25 for this meeting.]

[Brice D. Arndt, D.D.S., exited the meeting prior to the motions and did not vote on any of the following matters.]

Report of Board Counsel - Proposed Adjudication and Order

MR. ROUSE:

Item 10 on the agenda, which is the Proposed Adjudication and Order in the Matter of the Application for a License by Endorsement to Practice Dentistry of Fazia Bouakiz, D.M.D., Case No. 24-46-001538, I believe the Chair would entertain a motion to direct Board Counsel to prepare a Final Adjudication and Order consistent with the discussion in Executive Session.

CHAIR SULLIVAN:

Do I have a motion?

DR. JASPAN:

So moved.

CHAIR SULLIVAN:

Do I have a second?

MS. MURRAY:

1 Second.

2 CHAIR SULLIVAN:

3 May I please have a roll call vote?

4

5 Sullivan, aye; Fowler, aye; Funari,
6 aye; Jaspan, aye; Matta, aye; Mountain,
7 aye; Murray, aye; Warwick, aye; Wyant,
8 aye; Pohlhaus, aye.

9 [The motion carried unanimously.]

10 ***

11 Review of Applications

12 MR. ROUSE:

13 Item 17 on the agenda. This is the
14 Application for a Dental Hygienist of
15 Sherry Lee Taylor.

16 After discussion in Executive
17 Session, I believe the Chair would
18 entertain a motion to grant the
19 Application for Licensure by
20 Endorsement as a Dental Hygienist.

21 CHAIR SULLIVAN:

22 Do I have a motion?

23 DR. JASPAN:

24 So moved.

25 CHAIR SULLIVAN:

1 Do I have a second?

2 MS. MURRAY:

3 Second.

4 CHAIR SULLIVAN:

5 May I have a roll call vote, please?

6

7 Sullivan, aye; Fowler, aye; Funari,
8 aye; Jaspan, aye; Matta, aye; Mountain,
9 aye; Murray, aye; Warwick, aye; Wyant,
10 aye; Pohlhaus, aye.

11 [The motion carried unanimously.]

12 ***

13 [Andrew S. Matta, D.M.D., exited the meeting at
14 12:21 p.m. for recusal purposes.]

15 ***

16 Report of Board Counsel - Proposed Memorandum and
17 Order

18 MR. ROUSE:

19 Item 8 on the agenda, which is the
20 Proposed Memorandum and Order in the
21 Matter of the Application for a
22 Certificate and License by Endorsement
23 to Practice as an Expanded Function
24 Dental Assistant of Autumn Lea Caffie,
25 Case No. 24-46-001540.

1 I believe the Chair would entertain
2 a motion to adopt the hearing
3 examiner's Memorandum and to direct
4 Board Counsel to prepare the Board's
5 Final Order.

6 CHAIR SULLIVAN:

7 Do I have a motion?

8 DR. JASPAN:

9 So moved.

10 CHAIR SULLIVAN:

11 Do I have a second?

12 MS. MURRAY:

13 Second.

14 CHAIR SULLIVAN:

15 May I have a roll call vote, please?

16

17 Sullivan, aye; Fowler, aye; Funari,

18 aye; Jaspán, aye; Mountain, aye;

19 Murray, aye; Warwick, aye; Wyant, aye;

20 Pohlhaus, aye.

21 [The motion carried. Andrew Matta recused himself
22 from deliberations and voting on the motion.]

23 ***

24 Report of Board Counsel - Final Adjudication and
25 Order

1 MR. ROUSE:

2 Item 11 on the agenda, which is BPOA v.
3 Lawrence Patrick Rudolph, D.M.D., Case
4 No. 22-46-000746.

5 Regarding this Final Adjudication
6 and Order, I believe the Chair would
7 entertain a motion to adopt the
8 Adjudication and Order as presented by
9 Board Counsel and to direct Board
10 Counsel to prepare the Board's Final
11 Order.

12 CHAIR SULLIVAN:

13 Do I have a motion?

14 DR. JASPAN:

15 So moved.

16 CHAIR SULLIVAN:

17 Do I have a second?

18 MS. MURRAY:

19 Second.

20 CHAIR SULLIVAN:

21 May I have a roll call vote, please?

22

23 Sullivan, aye; Fowler, aye; Funari,
24 aye; Jaspán, aye; Mountain, aye;

25 Murray, aye; Warwick, aye; Wyant, aye;

1 Pohlhaus, aye.

2 [The motion carried. Andrew Matta recused himself
3 from deliberations and voting on the motion.]

4 ***

5 [Andrew S. Matta, D.M.D., reentered the meeting at
6 12:24 p.m.]

7 ***

8 Report of Board Counsel - Proposed Adjudication and
9 Order

10 MR. ROUSE:

11 Item 9 on the agenda is the Proposed
12 Adjudication and Order in the Matter of
13 BPOA v. Richard A. Brown, D.M.D., Case
14 No. 19-46-017606.

15 I believe the Chair would entertain
16 a motion to direct Board Counsel to
17 prepare a Final Adjudication and Order
18 consistent with the discussion in
19 Executive Session.

20 CHAIR SULLIVAN:

21 May I have a motion?

22 DR. JASPAN:

23 So moved.

24 CHAIR SULLIVAN:

25 May I have a second?

1 MS. MURRAY:

2 Second.

3 CHAIR SULLIVAN:

4 May I have a roll call vote, please?

5

6 Sullivan, aye; Fowler, aye; Funari;

7 Jaspan, aye; Matta, aye; Mountain, aye;

8 Murray, aye; Warwick, aye; Wyant, aye;

9 Pohlhaus, aye.

10 [The motion carried. Godfrey Joel Funari did not
11 vote on the motion due to a technical issue. Shawn
12 Casey was recused.]

13 ***

14 Report of Board Counsel - Miscellaneous - Sunshine
15 Act, Recusal, and Conflicts of Interest
16 Presentation

17 [Ronald K. Rouse, Esquire, Board Counsel, provided an
18 overview of the Sunshine Act, noting all meetings
19 must be open to the public after notice of the
20 meeting anytime an agency holds a meeting at which
21 deliberations or official action is taking place. He
22 provided a definition of agency, deliberation, and
23 official action.

24 Mr. Rouse addressed public notice, where an
25 agency shall give public notice of its first regular

1 meeting of each calendar year, not less than three
2 days in advance of the meeting, and shall give public
3 notice of the schedule of remaining regular meetings.

4 Mr. Rouse discussed special meetings, where an
5 agency shall give public notice of each special
6 meeting or rescheduled meeting at least 24 hours in
7 advance. He noted public notice is not required in
8 the case of an emergency meeting or a conference.

9 Mr. Rouse provided an overview of public notice,
10 including a newspaper of general circulation, posting
11 on the Board's website, and office of the agency
12 holding the meeting.

13 Mr. Rouse addressed the recording of votes and
14 requirement of minutes for all open meetings. He
15 mentioned that the only applicable exceptions to open
16 meeting requirements are executive sessions and
17 conferences, noting agency business may not occur at
18 a conference.

19 Mr. Rouse stated executive session may be held
20 before, during, or after an open meeting for
21 personnel issues, consulting with an attorney or
22 professional advisor, and reviewing and discussing
23 agency business that would violate a lawful privilege
24 or lead to disclosure of information or
25 confidentiality protected by law if discussed in

1 public.

2 Mr. Rouse explained that legal challenges under
3 the Sunshine Act must be filed within 30 days of the
4 date of the meeting or discovery of any action in
5 which the Sunshine Act was violated and Mr. Rouse
6 discussed penalties for violation the Sunshine Act.

7 Mr. Rouse stated all Board business should be
8 conducted in open meetings, and Board members should
9 not discuss agency business, especially executive
10 session matters, outside of an official Board
11 meeting.

12 Mr. Rouse noted regulations, policies, etc.,
13 delegated to a committee should take place in an open
14 meeting with appropriate public notice. He mentioned
15 that administrative and prosecutorial functions are
16 not subject to open meeting requirements.

17 Mr. Rouse addressed mandatory recusals, where a
18 Board member may have a prosecutorial role or direct
19 personal or financial interest in the outcome of the
20 matter. He addressed strongly suggested recusals,
21 where there is a personal affection or outside
22 knowledge of a matter and the Board member cannot
23 make a fair and unbiased determination.

24 Mr. Rouse noted that discretionary recusals are
25 when a Board member cannot hear and dispose of the

1 case or participate in a decision on a subject fairly
2 or without prejudice. He encouraged Board members
3 who are uncertain whether to recuse themselves to
4 discuss the matter with Board Counsel privately.

5 Mr. Rouse addressed abstention versus recusal,
6 noting abstention means someone is withholding their
7 vote but does not affect quorum requirements. He
8 noted the Board member is unable to vote with recusal
9 and can affect the quorum requirement.

10 Mr. Rouse addressed conflicts of interest, where
11 no member of any professional examining and licensing
12 board shall at the same time be an officer or agent
13 of any statewide association or organization
14 representing the profession or occupation subject to
15 the Board's actions.

16 Mr. Rouse noted public members of a licensing
17 board or commission designated as a representative of
18 the public at large shall be a private citizen and
19 not be a member of any profession or occupation which
20 is regulated or licensed by the board, commission,
21 BPOA, or be related to or have part of their
22 immediate family, someone who is a member of the
23 profession or occupation to be licensed or regulated
24 by a particular board or commission.

25 Mr. Rouse mentioned that public members may not

1 be affiliated in any way with the profession or
2 occupation to be licensed or regulated or hold any
3 other appointed or elected public office or position
4 within the Commonwealth or another state or the
5 United States government during the appointed term.
6 He noted that any person not meeting the standards
7 are ineligible for membership on the board or
8 commission as a public member.]

9 ***

10 Report of Board Chairperson - No Report

11 ***

12 Report of Acting Commissioner - No Report

13 ***

14 Report of Board Administrator - No Report

15 ***

16 Report of Committees - Legislative and Regulatory
17 Committee - No Report

18 ***

19 Report of Committees - Scope of Traditional and
20 Emerging Practice Committee - No Report

21 [Jennifer Unis Sullivan, D.M.D., J.D., Chairperson,
22 noted she replaced Dr. Groody with Dr. Warwick and
23 forwarded the new chart to Mr. Abels for the next
24 meeting.]

25 ***

1 Report of Committees - Probable Cause Screening
2 Committee

3 [LaJuan M. Mountain, D.M.D., noted the Probable Cause
4 Screening Committee reviewed two matters since the
5 last meeting.]

6 ***

7 Report of Committees - Accreditation and Licensing
8 Committee - No Report

9 ***

10 [Pursuant to Section 708(a)(5) of the Sunshine Act,
11 at 12:48 p.m. the Board entered into Executive
12 Session with Ronald K. Rouse, Esquire, Board Counsel,
13 to have attorney-client consultations and for the
14 purpose of conducting quasi-judicial deliberations on
15 items 3, 12, 13, and 14 on the agenda. The Board
16 returned to open session at 2:17 p.m.]

17 ***

18 Report of Board Counsel - Matters for Discussion
19 MR. ROUSE:

20 Pursuant to Section 708(a)(5) of the
21 Sunshine Act, the Board is returning
22 from Executive Session with Board
23 Counsel where we had attorney-client
24 consultations and also for the purpose
25 of conducting quasi-judicial

1 deliberations.

2 Item 3 on the agenda is the Consent
3 Agreement at Case No. 24-46-003635.

4 After discussion in Executive Session,
5 I believe the Chair would entertain a
6 motion to reject the Consent Agreement
7 as too lenient.

8 CHAIR SULLIVAN:

9 Do I have a motion?

10 DR. JASPAN:

11 So moved.

12 CHAIR SULLIVAN:

13 Do I have a second?

14 MS. MURRAY:

15 Second.

16 CHAIR SULLIVAN:

17 May I have a roll call vote, please?

18
19 Sullivan, aye; Fowler, aye; Funari,
20 aye; Jaspán, aye; Matta, aye; Mountain,
21 aye; Murray, aye; Warwick, aye; Wyant,
22 aye; Pohlhaus, aye.

23 [The motion carried unanimously.]

24 ***

25 MR. ROUSE:

1 Item 12 on the agenda is the Matter of
2 the Petition for Reinstatement of the
3 License to Practice Dentistry to Non-
4 Probationary Unrestricted Status of
5 Vincent A. LaBruna, D.D.S., Case No.
6 24-46-019337.

7 After discussion in Executive
8 Session, I believe that the Chair would
9 entertain a motion to grant the
10 Petition.

11 CHAIR SULLIVAN:

12 Do I have a motion?

13 DR. JASPAN:

14 So moved.

15 CHAIR SULLIVAN:

16 Do I have a second?

17 MS. MURRAY:

18 Second.

19 CHAIR SULLIVAN:

20 May I have a roll call vote, please?

21

22 Sullivan, aye; Fowler, aye; Funari,
23 aye; Jaspán, aye; Matta, aye; Mountain,
24 aye; Murray, aye; Warwick, aye; Wyant,
25 aye; Pohlhaus, aye.

1 [The motion carried unanimously.]

2 ***

3 MR. ROUSE:

4 Item 14 on the agenda is the motion for
5 Reconsideration of the Provisional
6 Denial of the Application for a License
7 to Practice Dentistry of Richard Rolle
8 Jr., D.D.S., Case No. 24-46-018214.

9 After discussion in Executive
10 Session, I believe that the Chair would
11 entertain a motion to deny the
12 Applicant's Motion for Reconsideration.

13 CHAIR SULLIVAN:

14 Do I have a motion?

15 DR. JASPAN:

16 So moved.

17 CHAIR SULLIVAN:

18 Do I have a second?

19 MS. MURRAY:

20 Second.

21 CHAIR SULLIVAN:

22 May I have a roll call vote, please?

23

24 Sullivan, aye; Fowler, aye; Funari,

25 aye; Jaspán, aye; Matta, aye; Mountain,

1 aye; Murray, aye; Warwick, aye; Wyant,
2 aye; Pohlhaus, aye.

3 [The motion carried unanimously.]

4 ***

5 [Jennifer Unis Sullivan, D.M.D., J.D., Chairperson;
6 Andrew S. Matta, D.M.D.; and LaJuan M. Mountain,
7 D.M.D., exited the meeting at 2:22 p.m. for recusal
8 purposes.]

9 ***

10 SECRETARY FUNARI ASSUMED THE CHAIR

11 ***

12 MR. ROUSE:

13 Item 13 on the agenda, which is Gregory
14 William Long, D.M.D. v. BPOA State
15 Board of Dentistry, Docket No. 1341
16 C.D. 2024, Case No. 20-46-01433.

17 Regarding item 13 on the agenda, I
18 believe the Chair would entertain a
19 motion to direct Board Counsel to
20 proceed as discussed in Executive
21 Session.

22 SECRETARY FUNARI:

23 Do I have a motion?

24 DR. JASPAN:

25 So moved.

1 SECRETARY FUNARI:

2 Second?

3 MS. MURRAY:

4 Second.

5 SECRETARY FUNARI:

6 Roll call vote, please.

7

8 Funari, aye; Fowler, aye; Jaspan, aye;

9 Murray, aye; Warwick, aye; Wyant, aye;

10 Pohlhaus, aye.

11 [The motion carried. Jennifer Sullivan, Andrew

12 Matta, and LaJuan Mountain recused themselves from

13 deliberations and voting on the motion.]

14 ***

15 [Jennifer Unis Sullivan, D.M.D., J.D., Chairperson,

16 and Andrew S. Matta, D.M.D.; and LaJuan M. Mountain,

17 D.M.D., reentered the meeting at 2:21 p.m.]

18 ***

19 CHAIR SULLIVAN RESUMED THE CHAIR

20 ***

21 [Jennifer Unis Sullivan, D.M.D., J.D., Chairperson,

22 thanked everyone for attending the meeting. She

23 noted the next scheduled Board meeting is March 14.]

24 ***

25 Adjournment

1 CHAIR SULLIVAN:

2 Do I have a motion to adjourn the
3 meeting?

4 DR. JASPAN:

5 So moved.

6 MS. MURRAY:

7 Second.

8 CHAIR SULLIVAN:

9 Thank you everyone. It was an
10 excellent meeting.

11 ***

12 [There being no further business, the State Board of
13 Dentistry Meeting adjourned at 2:22 p.m.]

14 ***

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Dentistry meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Dentistry meeting.

A handwritten signature in dark ink, appearing to read 'Allison Walker', is written over a horizontal line.

Allison Walker,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF DENTISTRY
REFERENCE INDEX

January 10, 2025

TIME	AGENDA
9:00	Executive Session
11:00	Return to Open Session
11:20	Official Call to Order
11:21	Roll Call
11:21	Introduction of Attendees
11:22	Approval of Minutes
11:17	Report of Board Counsel
11:27	Report of Prosecutorial Division
11:51	Appointment - Annual Prosecution Report
12:01	Appointment - Pennsylvania Office Anesthesia Evaluation Program
12:17	Report of Board Counsel (cont.)
12:20	Review of Applications
12:21	Report of Board Counsel (cont.)
12:44	Report of Committees
12:48	Executive Session
2:17	Return to Open Session
2:17	Report of Board Counsel (cont.)
2:22	Adjournment