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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: 11:00 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

March 10, 2023

1 State Board of Dentistry

2 March 10, 2023

3 ***

4 [Pursuant to Section 708(a)(5) of the Sunshine Act,
5 at 9:00 the Board entered into Executive Session with
6 Ronald K. Rouse, Esquire, Board Counsel, to have
7 attorney-client consultations and for the purpose of
8 conducting quasi-judicial deliberations. The Board
9 returned to open session at 10:30 a.m.]

10 ***

11 [Ronald K. Rouse, Esquire, Board Counsel, informed
12 everyone that the meeting of the State Board of
13 Dentistry was being held in a hybrid format of in-
14 person and livestream teleconference pursuant to Act
15 100 of 2021, which requires boards to use a virtual
16 platform to conduct business when a public meeting is
17 held.

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

22 ***

23 The regularly scheduled meeting of the State
24 Board of Dentistry was held on Friday, March 10,
25 2023. Shawn M. Casey, D.M.D., Chairman, called the

1 meeting to order at 11 a.m.

2 Chairman Casey reminded everyone that the meeting
3 was being recorded, and voluntary participation
4 constituted consent to being recorded.]

5 ***

6 Roll Call of Board Members

7 [Chairman Casey requested a roll call of Board
8 members.]

9 ***

10 Introduction of Attendees

11 [Chairman Casey requested an introduction of
12 attendees.]

13 ***

14 Approval of minutes of the January 13, 2023 meeting

15 CHAIRMAN CASEY:

16 Has everyone had a chance to review the
17 minutes of the meeting from January 13?

18 Were there any changes,
19 modifications, or anything like that?

20

21 [The Board discussed corrections to the minutes.]

22 CHAIRMAN CASEY:

23 Anymore changes that were noted? At
24 this time, I'd like to have a motion to
25 accept the minutes with the change

1 noted by Dr. Funari.

2 MS. SIZEMORE:

3 I move to accept the minutes with the
4 change.

5 CHAIRMAN CASEY:

6 Second?

7 DR. JASPAN:

8 Second.

9 CHAIRMAN CASEY:

10 Roll call.

11

12 Claggett, aye; Casey, aye; Sullivan,
13 aye; Groody, aye; Arndt, aye; Fowler,
14 abstain; Funari, aye; Jaspán, aye;
15 Matta, aye; Mountain, aye; Sizemore,
16 aye; Wyant, aye.

17 [The motion carried. Barbara Fowler abstained from
18 voting on the motion.]

19

20 [LaJuan M. Mountain, D.M.D.; Andrew S. Matta, D.M.D.;
21 and Amber Sizemore, Esquire, Office of Attorney
22 General, exited the meeting at 11:06 a.m. for recusal
23 purposes.]

24

25 Report of Prosecutorial Division

1 [Amber Lee Czerniakowski, Esquire, Board Prosecutor,
2 presented the Consent Agreement for Case No. 22-46-
3 009790.]

4 MR. ROUSE:

5 Regarding the Consent Agreement at item
6 2 on the agenda, Case No. 22-46-009790,
7 after discussion in Executive Session,
8 I believe the Chair would entertain a
9 motion to adopt the Consent Agreement.

10 MS. FOWLER:

11 So moved.

12 CHAIRMAN CASEY:

13 Second?

14 ACTING COMMISSIONER CLAGGETT:

15 Second.

16 CHAIRMAN CASEY:

17 Roll call, Christina.

18
19 Claggett, aye; Casey, aye; Sullivan,
20 aye; Groody, aye; Arndt, aye; Fowler,
21 aye; Funari, aye; Jaspán, aye; Matta,
22 recuse; Mountain, recuse; Sizemore,
23 recuse; Wyant, aye.

24 [The motion carried. Andrew Matta, LaJuan Mountain,
25 and Amber Sizemore recused themselves from

1 deliberations and voting on the motion. That is the
2 matter of BPOA v. Nicole M. Conforti, E.F.D.A., Case
3 No. 22-46-009790.]

4 ***

5 [LaJuan M. Mountain, D.M.D.; Andrew S. Matta, D.M.D.;
6 and Amber Sizemore, Esquire, Office of Attorney
7 General, reentered the meeting at 11:09 a.m.]

8 ***

9 [Timothy J. Henderson, Esquire, Board Prosecutor,
10 presented the Consent Agreements for Case No. 20-46-
11 001111, Case No. 20-46-001112, and Case No. 20-46-
12 001115.

13 Mr. Rouse informed the attorneys not to use
14 client names.

15 Peter Callahan, Esquire, Burns White LLC, Counsel
16 for the Respondent, was present and participated in
17 the discussion for Case No. 20-46-001111.

18 Sarah Baker, Esquire, Kiernan Trebach, LLP,
19 Counsel for the Respondent, was present and
20 participated in the discussion for Case No. 20-46-
21 001112.

22 Eileen Ficaro, Esquire, Kaufman Dolowich &
23 Voluck, LLP, Counsel for the Respondent, was present
24 and participated in the discussion for Case No. 20-
25 46-001115.

1 Ms. Fowler commented that there is a reference to
2 practice monitoring or corrective measure in the
3 language of the Consent Agreement, noting it does not
4 specify the corrective measures and requested more
5 information.

6 Mr. Henderson explained that the practice
7 monitoring or corrective actions are a sanction
8 available under Section 4.1(b)(3) and (6) of the
9 Dental Law, where it basically operates as a sanction
10 under the act and is going to be reported to the
11 National Practitioner Databank.

12 Mr. Henderson stated they would be able to
13 initiate action by a Petition for Appropriate Relief
14 for violations of the conditions and terms of the
15 agreement as done in other circumstances. He further
16 explained that the corrective measures include an
17 evaluator on a quarterly basis to evaluate the
18 respondents and their practice activities and the
19 remedial education under the subsection.

20 Mr. Henderson stated evaluators would be
21 submitting reports to the Bureau of Enforcement and
22 Investigation for their review to determine whether
23 their infection control practices are being followed.

24 Ms. Fowler referred to Case No. 22-46-001111,
25 noting it says practice monitoring or corrective

1 action and asked whether that was an option available
2 to the individual.

3 Mr. Henderson explained that practice monitoring
4 is included in the corrective measures and actions
5 and would be subject to that.

6 Dr. Funari asked whether the practice monitoring
7 is going to occur in their new practice locations,
8 including Texas.

9 Mr. Henderson explained that the corrective
10 measures do not apply to respondent five because he
11 is in Texas and has no plans on returning to the
12 Commonwealth of Pennsylvania and noted it would be an
13 unnecessary expense on the Board to monitor any
14 practices in the jurisdiction of Texas.

15 Mr. Henderson commented that the respondent,
16 being disconnected or separated from the practice for
17 nearly three years, has accepted responsibility for
18 the conduct that was done three years ago and
19 believes that it is reasonable under the
20 circumstances and also based on the Board precedent.

21 Dr. Funari asked whether any consideration was
22 given to direct action against the license, such as
23 suspension or probation.

24 Mr. Henderson noted the answer would be yes in
25 this case, where they try to subject them to practice

1 monitoring. He referred to section 4.1(b)(3) and
2 (6), where the sanctions are available, and based on
3 Board precedents that were done back in November
4 2017, they believed it to be reasonable under the
5 circumstances.

6 Mr. Rouse referred to agenda item 3 at Case No.
7 20-46-001111, where it says corrective measures for
8 12 months.

9 Mr. Henderson explained that it says no less than
10 12 months and would be a minimum of 12 months.

11 Mr. Rouse asked Mr. Henderson to explain from the
12 Consent Agreement how the Respondent would be
13 released from having to continue with the corrective
14 measures since the Consent Agreement says at least 12
15 months.

16 Mr. Henderson explained that there should have
17 been a process noted in the Consent Agreement, where
18 the respondents would have the opportunity to file a
19 motion to return their license back to unrestricted
20 status so they are no longer subject to the practice
21 monitoring noted in the Consent Agreement.

22 Mr. Rouse commented that the only way for parties
23 to understand what their responsibilities are is if
24 it is contained in a Consent Agreement.

25 Mr. Henderson noted that he took that

1 responsibility upon himself to make sure the
2 respondents are aware that it would be treated as any
3 other case, where they have a restricted status on
4 their license and would be able to petition the Board
5 to remove that status given that they satisfied the
6 minimum requirements of the Consent Agreement.

7 Mr. Rouse informed Mr. Henderson that it is not
8 in the Consent Agreement, and Mr. Henderson agreed
9 after review.

10 Mr. Rouse asked whether there is anything in the
11 Consent Agreement regarding when the remedial
12 education needs to be completed.

13 Mr. Henderson explained that there is a notation
14 that indicates that it should be done by the time the
15 12-month practice monitor period has concluded and is
16 in the Consent Agreement and referred to paragraph 18
17 of the remedial education on page 13, where it
18 indicates that following the successful completion of
19 the remedial education required by the Consent Order,
20 respondents shall be subject to nonrandom continuing
21 education upon the next renewal or activation date.

22 Mr. Rouse asked whether Board members had any
23 issues they would like to address in Executive
24 Session.]

25 MR. ROUSE:

1 Regarding the Consent Agreement at item
2 3 at Case No. 20-46-001111, I believe
3 the Chair would entertain a motion to
4 reject the Consent Agreement as too
5 lenient.

6 CHAIRMAN CASEY:

7 Do I have a motion?

8 DR. SULLIVAN:

9 I make the motion.

10 CHAIRMAN CASEY:

11 Second?

12 ACTING COMMISSIONER CLAGGETT:

13 Second.

14 CHAIRMAN CASEY:

15 Roll call, please.

16

17 Claggett, aye; Casey, aye; Sullivan,
18 aye; Groody, aye; Arndt, aye; Fowler,
19 aye; Funari, aye; Jaspán, aye; Matta,
20 aye; Mountain, aye; Sizemore, aye;
21 Wyant, aye.

22 [The motion carried unanimously.]

23

24 MR. ROUSE:

25 For item 4, is there anything for which

1 we need to go back into Executive
2 Session to discuss? Seeing none.

3 Regarding the Consent Agreement at
4 item 4 on the agenda at Case No. 20-46-
5 001112, I believe the Chair would
6 entertain a motion to reject the
7 Consent Agreement as too lenient.

8 CHAIRMAN CASEY:

9 Do I have a motion?

10 DR. SULLIVAN:

11 I make the motion.

12 CHAIRMAN CASEY:

13 Second?

14 DR. JASPAN:

15 Second.

16 CHAIRMAN CASEY:

17 Roll call, please.

18

19 Claggett, aye; Casey, aye; Sullivan,
20 aye; Groody, aye; Arndt, aye; Fowler,
21 aye; Funari, aye; Jaspán, aye; Matta,
22 aye; Mountain, aye; Sizemore, aye;
23 Wyant, aye.

24 [The motion carried unanimously.]

25

1 MR. ROUSE:

2 For item 5 on the agenda, is there
3 anything for which the Board would like
4 to go back into Executive Session in
5 order to discuss? Hearing none.

6 Regarding the Consent Agreement at
7 item 5 on the agenda at Case No. 20-46-
8 001115, I believe the Chair would
9 entertain a motion to reject the
10 Consent Agreement as too lenient.

11 CHAIRMAN CASEY:

12 Yes. Do I have a motion?

13 DR. SULLIVAN:

14 I make the motion.

15 CHAIRMAN CASEY:

16 Second?

17 DR. JASPAN:

18 Second.

19 CHAIRMAN CASEY:

20 Roll call, please.

21

22 Claggett, aye; Casey, aye; Sullivan,
23 aye; Groody, aye; Arndt, aye; Fowler,
24 aye; Funari, aye; Jaspán, aye; Matta,
25 aye; Mountain, aye; Sizemore, aye;

1 Wyant, aye.

2 [The motion carried unanimously.]

3 ***

4 [Timothy J. Henderson, Esquire, Board Prosecutor,
5 presented the Consent Agreement for Case No. 20-46-
6 003447.]

7 MR. ROUSE:

8 Any questions from the Board? Hearing
9 none.

10 Regarding the Consent Agreement at
11 item 6 on the agenda at Case No. 20-46-
12 003447, I believe the Chair would
13 entertain a motion to adopt the Consent
14 Agreement.

15 CHAIRMAN CASEY:

16 Yes. Do I have a motion, please?

17 DR. SULLIVAN:

18 I make the motion.

19 CHAIRMAN CASEY:

20 Second?

21 DR. JASPAN:

22 Second.

23 CHAIRMAN CASEY:

24 Roll call, please.

25

1 Claggett, aye; Casey, aye; Sullivan,
2 aye; Groody, aye; Arndt, aye; Fowler,
3 aye; Funari, aye; Jaspan, aye; Matta,
4 aye; Mountain, aye; Sizemore, aye;
5 Wyant, aye.

6 [The motion carried unanimously. That is the matter
7 of BPOA v. Nicole M. Peca, EFDA, Case No. 20-46-
8 003447.]

9 ***
10 [Timothy J. Henderson, Esquire, Board Prosecutor,
11 presented the Consent Agreement for Case No. 22-46-
12 005354 and requested that it be tabled until the
13 following meeting on May 12, 2023.

14 Mr. Rouse noted the Board accepted that the
15 matter be tabled until May 12, 2023.]

16 ***
17 [Jennifer Unis Sullivan, D.M.D., J.D., Vice
18 Chairperson, exited the meeting at 11:42 a.m. for
19 recusal purposes.]

20 **
21 Report of Board Counsel - Motion to Enter Default and
22 Deem Facts Admitted

23 MR. ROUSE:

24 Item 12 on the agenda is a MDFA
25 regarding BPOA v. Christine Schaub,

1 Case No. 21-46-008332. This was a
2 matter that was discussed in Executive
3 Session, and I believe the Chair would
4 entertain a motion to grant the Motion
5 to Deem Facts Admitted and to direct
6 Board Counsel to prepare the
7 Adjudication and Order in accordance
8 with the discussions in Executive
9 Session.

10 CHAIRMAN CASEY:

11 Yes. Do I have a motion?

12 ACTING COMMISSIONER CLAGGETT:

13 So moved.

14 CHAIRMAN CASEY:

15 Second?

16 DR. JASPAN:

17 Second.

18 CHAIRMAN CASEY:

19 Christina, roll call, please.

20

21 Claggett, aye; Casey, aye; Sullivan,
22 recuse; Groody, aye; Arndt, aye;
23 Fowler, aye; Funari, aye; Jaspán, aye;
24 Matta, aye; Mountain, aye; Sizemore,
25 aye; Wyant, aye.

1 [The motion carried. Jennifer Unis Sullivan recused
2 herself from deliberations and voting on the motion.]

3 ***

4 [Jennifer Unis Sullivan, D.M.D., J.D., Vice
5 Chairperson, reentered the meeting at 11:44 a.m.]

6 ***

7 [Andrew S. Matta, D.M.D. and Brice D. Arndt, D.D.S.,
8 exited the meeting at 11:44 a.m. for recusal
9 purposes.]

10 ***

11 Report of Board Counsel - Final Adjudications and
12 Orders

13 MR. ROUSE:

14 Item 13 is BPOA v. Eric Allen
15 Osmolinski, Case No. 16-46-14914. This
16 is a matter that was discussed in
17 Executive Session, and I believe the
18 Chair would entertain a motion to adopt
19 the Adjudication and Order as presented
20 by Board Counsel and to direct Board
21 Counsel to prepare the Board's Final
22 Order.

23 CHAIRMAN CASEY:

24 Yes. Do I have a motion, please?

25 DR. SULLIVAN:

1 I make that motion.

2 CHAIRMAN CASEY:

3 Second?

4 DR. JASPAN:

5 Second.

6 CHAIRMAN CASEY:

7 Roll call, please.

8

9 Claggett, aye; Casey, aye; Sullivan,
10 aye; Groody, aye; Fowler, aye; Funari,
11 aye; Jaspán, aye; Mountain, aye;
12 Sizemore, aye; Wyant, aye.

13 [The motion carried. Brice Arndt and Andrew Matta
14 recused themselves from deliberations and voting on
15 the motion.]

16

17 MR. ROUSE:

18 Item 15 on the agenda is BPOA v.
19 Stephen E. Sulzbach, Case No. 16-46-
20 02754. Dr. Arndt and Dr. Matta are
21 recused from those matters and are
22 still out.

23 Regarding that matter, I believe
24 the Chair would entertain a motion to
25 adopt the Adjudication and Order as

1 presented by Board Counsel and to
2 direct Board Counsel to prepare the
3 Board's Final Order.

4 CHAIRMAN CASEY:

5 Yes. Do I have a motion, please?

6 DR. SULLIVAN:

7 I make that motion.

8 CHAIRMAN CASEY:

9 Second?

10 DR. JASPAN:

11 Second.

12 CHAIRMAN CASEY:

13 Roll call, please.

14

15 Claggett, aye; Casey, aye; Sullivan,
16 aye; Groody, aye; Fowler, aye; Funari,
17 aye; Jaspán, aye; Mountain, aye;
18 Sizemore, aye; Wyant, aye.

19 [The motion carried. Brice Arndt and Andrew Matta
20 recused themselves from deliberations and voting on
21 the motion.]

22

23 MR. ROUSE:

24 Item 16 on the agenda is another matter
25 of BPOA v. Stephen E. Sulzbach, Case

1 No. 16-46-14916. This was a matter
2 discussed in Executive Session.

3 Regarding that matter, I believe
4 the Chair would entertain a motion to
5 adopt the Adjudication and Order as
6 presented by Board Counsel and to
7 direct Board Counsel to prepare the
8 Board's Final Order.

9 CHAIRMAN CASEY:

10 Yes. Do I have a motion, please?

11 DR. SULLIVAN:

12 I make that motion.

13 CHAIRMAN CASEY:

14 Second?

15 DR. JASPAN:

16 Second.

17 CHAIRMAN CASEY:

18 Christina, roll call.

19

20 Claggett, aye; Casey, aye; Sullivan,
21 aye; Groody, aye; Fowler, aye; Funari,
22 aye; Jaspán, aye; Mountain, aye;
23 Sizemore, aye; Wyant, aye.

24 [The motion carried. Brice Arndt and Andrew Matta
25 recused themselves from deliberations and voting on

1 the motion.]

2

3 [Andrew S. Matta, D.M.D. and Brice D. Arndt, D.D.S.,
4 reentered the meeting at 11:48 a.m.]

5

6 MR. ROUSE:

7

Item 14 on the agenda is BPOA v.

8

Capriel Josett Phinney, Case No. 20-46-

9

009146. This was a matter discussed in

10

Executive Session, and I believe the

11

Chair would entertain a motion to adopt

12

the Adjudication and Order as presented

13

by Board Counsel and to direct Board

14

Counsel to prepare the Board's Final

15

Order.

16 CHAIRMAN CASEY:

17

Yes. Do I have a motion, please?

18 DR. SULLIVAN:

19

I make that motion.

20 CHAIRMAN CASEY:

21

Second?

22 DR. JASPAN:

23

Second.

24 CHAIRMAN CASEY:

25

Roll call, Christina.

1

2

Claggett, aye; Casey, aye; Sullivan,

3

aye; Groody, aye; Arndt, aye; Fowler,

4

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

5

aye; Mountain, aye; Sizemore, aye;

6

Wyant, aye.

7

[The motion carried unanimously.]

8

9

Report of Board Counsel - Regulations

10

[Ronald K. Rouse, Esquire, Board Counsel, provided a

11

Regulatory Report regarding the status of

12

regulations, including the anesthesia update on the

13

Board's agenda for review and whether to release the

14

annex as an exposure draft.

15

Mr. Rouse also referred to the Botox Statement of

16

Policy, noting prior Board discussion concerning

17

tabling the matter. He mentioned that Dr. Funari

18

provided research on that matter, but the Board

19

wanted to work on more priority regulations first and

20

come back to that at a later time.

21

Mr. Rouse noted there has to be an amendment to

22

the volunteer license regulation but believed this is

23

a regulation that a number of the health boards are

24

going to revise, noting someone from the State Board

25

of Nursing is further along on this regulation. He

1 mentioned that he would be looking at their
2 regulatory package for continuity in the volunteer
3 license and come back to the Board on that matter.

4 Mr. Rouse addressed general revisions, noting
5 there was a Regulatory Committee Meeting on February
6 10th and is hoping the Board votes in terms of
7 whether to release an exposure draft to the
8 stakeholders for written comments.

9 Mr. Rouse noted prior discussion at several
10 regulatory committee meetings regarding mobile vans,
11 where the committee discussed tabling that until
12 spring or summer to again concentrate on priority
13 regulations. He stated the Board voted to adopt the
14 civil penalties annex in November and that licensure
15 by endorsement is currently with regulatory counsel.

16 Mr. Rouse mentioned the Board combined the
17 expanded function dental assistant (EFDA) general
18 revisions regulation into the regular general
19 revisions and would be discussing today. He noted
20 other health boards are going to have a similar
21 amendment for the opioid education curriculum
22 regulation and would again be waiting to look at the
23 State Board of Nursing's proposed regulatory package
24 before bringing that before the board.

25 Chairman Casey asked Mr. Rouse to explain to

1 Board members and the audience the exposure draft
2 process and how stakeholders could provide input.

3 Mr. Rouse referred to Regulation 16A-4621
4 regarding anesthesia, stating that the regulatory
5 committee has worked extremely hard on the anesthesia
6 update and thanked Dr. Funari and Dr. Sullivan for
7 their research and hard work putting the package
8 together, along with adding a monitoring permit for
9 dental hygienists in order to monitor the
10 administration of nitrous oxide.

11 Mr. Rouse explained that the purpose of reviewing
12 the annex is to determine whether the board wants to
13 release the annex to the stakeholders as an email
14 from the resource account for regulatory counsel,
15 where all of the stakeholders would be able to see
16 what the board has drafted and make written comments
17 that would come back to Board Counsel to be presented
18 to the Board for discussion.

19 Mr. Rouse referred to the anesthesia annex,
20 noting the regulatory committee was reviewing whether
21 or not they could even create the annex that included
22 a permit for monitoring of anesthesia by a dental
23 hygienist. He provided the Board with statutory
24 citations that were used in order for the Board to
25 create regulations on local anesthesia permits for a

1 dental hygienist and used that as the basis of
2 actually having a monitoring permit.

3 Mr. Rouse explained that they included a section
4 regarding fees in the local anesthesia permit and
5 referred to § 33.3 fees, noting no amount for the
6 dental hygienist nitrous oxide monitoring permit and
7 thought the Board may want the cost of that permit to
8 be the same as the dental hygienist local anesthesia
9 permit. He mentioned the current amount for the
10 dental hygienist local anesthesia permit is \$50 but
11 would increase to \$55 on July 1, 2025, and \$60 on
12 July 1, 2027.

13 Dr. Funari commented that any fee would need to
14 consider the administrative time and costs associated
15 with reviewing the application and on renewal during
16 the monitoring of the continuing education. He
17 believed the fee would probably be higher than what
18 is proposed but was open to reasonable suggestions.

19 Mr. Rouse further explained that this permit
20 would only be for dental hygienists and that certain
21 doctors would be able to be the supervising dentist;
22 a dentist who had at least a Restricted Permit II in
23 order to supervise a dental hygienist who has a
24 monitoring permit. The supervising dentist would be
25 responsible throughout the entire procedure.

1 Ms. Fowler asked what would distinguish the
2 higher fee for a monitoring permit from the other
3 permits available to dental hygienists, including the
4 public health dental hygiene practitioner (PHDHP) and
5 the local anesthesia, because they all have
6 administrative costs.

7 Mr. Rouse explained that they do not know how
8 many permits would be issued because they do not
9 currently have that type of permit, which is why Mr.
10 Rouse suggested using a permit they already have
11 numbers for right now.

12 Dr. Funari agreed with Mr. Rouse because they
13 need to have a starting point, noting the fees are
14 reviewed basically on an annual basis. He mentioned
15 that there is no dedicated program for somebody to be
16 qualified within the first year and there would be
17 time to look at it.]

18 MR. ROUSE:

19 If there are no questions, Chairman,
20 would you entertain a motion to release
21 Regulation 16A-4621 Anesthesia Update
22 to the stakeholders as an exposure
23 draft with the amendment of adding the
24 \$50, \$55, and \$60 fee for the dental
25 hygienist nitrous oxide monitoring

1 permit to this annex?

2 CHAIRMAN CASEY:

3 Yes. Do I have a motion?

4 DR. SULLIVAN:

5 I make that motion.

6 CHAIRMAN CASEY:

7 Second?

8 MS. FOWLER:

9 Second.

10 CHAIRMAN CASEY:

11 Roll call, please.

12

13 Claggett, aye; Casey, aye; Sullivan,
14 aye; Groody, aye; Arndt, aye; Fowler,
15 aye; Funari, aye; Jaspán, aye; Matta,
16 aye; Mountain, aye; Sizemore, aye;
17 Wyant, aye.

18 [The motion carried unanimously.]

19

20 [Ronald K. Rouse, Esquire, Board Counsel, noted that
21 an email with a copy of the annex would be sent to
22 stakeholders for a 30-day comment period. He
23 mentioned that any written comments would be reviewed
24 at the next Board meeting.

25 Mr. Rouse referred to 16A-4628 general revisions.

1 He noted sending to the Board members the general
2 revisions, 16A-4636 EFDA general revisions, and a
3 combined document that has the general revisions and
4 the EFDA general revisions as one document. He
5 mentioned prior discussion at the regulatory
6 committee meeting on February 10th and amendments
7 made to the EFDA general revisions and gave a shout-
8 out to Dr. Groody.]

9 MR. ROUSE:

10 Would the Chairman entertain a motion
11 to release Regulation 16A-4628, which
12 is combined with Regulation 16A-4636
13 EFDA general revisions, as an exposure
14 draft to the stakeholders.

15 CHAIRMAN CASEY:

16 Yes, I would. Do I have a motion,
17 please?

18 DR. ARNDT:

19 I make that motion.

20 CHAIRMAN CASEY:

21 Second?

22 DR. JASPAN:

23 Second.

24 CHAIRMAN CASEY:

25 Roll call, please.

1

2

Claggett, aye; Casey, aye; Sullivan,

3

aye; Groody, aye; Arndt, aye; Fowler,

4

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

5

aye; Mountain, aye; Sizemore, aye;

6

Wyant, aye.

7

[The motion carried unanimously.]

8

9

[Ronald K. Rouse, Esquire, Board Counsel, informed

10 Board members that there is no need to discuss item

11 11 on the agenda (Regulation 16-4636 EFDA General

12 Revisions) because they are sending out the combined

13 general revisions at item 10 (Regulation 16A-4628

14 General Revisions).]

15

16 Report of Board Counsel - Miscellaneous

17 [Ronald K. Rouse, Esquire, Board Counsel, addressed

18 Act 35 of 2022 regarding military and veterans'

19 licensure, where the Board office must expedite

20 applications and renewal applications of service

21 members, veterans, and spouses of service members

22 after the required documentation is received. He

23 noted the applications were amended to include a

24 question asking whether someone is a service member,

25 veteran, or service member spouse on January 25,

1 2023.

2 Mr. Rouse thanked all of the service members,
3 veterans, and veterans and service member spouses for
4 their service.]

5 ***

6 Report of Board Chairperson

7 [Shawn M. Casey, D.M.D., Chairman, thanked everybody
8 for their hard work on the committees, including
9 Acting Commissioner Claggett and Ms. Townley. He
10 mentioned that they would be doing some site visits
11 to the Veterans Affairs Medical Center in Lebanon and
12 Pittsburgh during March.

13 Chairman Casey reminded everyone that MOM-n-PA
14 starts registration on March 14 and encouraged
15 anybody who would like to participate to visit their
16 website at mom-n-pa.com. He noted the event would be
17 held at the Allentown Fairgrounds on June 2 and 3,
18 with the setup on June 1. He requested organizations
19 pass the information on to their members.]

20 ***

21 Report of Acting Commissioner

22 [Arion R. Claggett, Acting Commissioner, Bureau of
23 Professional and Occupational Affairs, informed
24 everyone of new functionality being added to the
25 Pennsylvania Licensing System (PALS) notifying

1 licensees through email that their license has
2 expired.]

3 ***

4 Report of Board Administrator

5 [Christina Townley, Board Administrator, provided an
6 update regarding renewals, noting about 60 to 70
7 percent of licensees have renewed their license. She
8 reminded everyone that renewals expire on March 31.]

9 ***

10 Report of Committees - Legislation and Regulatory
11 Committee

12 [Brice D. Arndt, D.D.S., addressed the Legislation
13 and Regulatory Committee Meeting in February, where
14 committee members worked exceedingly hard to come up
15 with potential solutions in anesthesia and EFDA. He
16 thanked committee members and Board members who
17 attended the meetings and for the time they put in to
18 allow them to present the package. He commented that
19 they look forward to being able to continue to help
20 the people of Pennsylvania.

21 Chairman Casey again thanked everyone involved.]

22 ***

23 Report of Committees - Accreditation and Licensing
24 Committee

25 [Theresa A. Groody, DHSc, EFDA, CDA, Secretary, had

1 no official report to offer but addressed looking at
2 tightening up the process of EFDA program approval.

3 Dr. Funari commented on the need to sort out the
4 issue regarding the dentist and dental hygiene
5 contract.]

6

7 Report of Committees - Probable Cause Screening
8 Committee

9 [Amber Sizemore, Esquire, Office of Attorney General,
10 noted the Probable Cause Screening Committee
11 considered two matters since the last meeting.]

12

13 Report of Committees - Scope of Traditional and
14 Emerging Practice Committee

15 [Andrew S. Matta, D.M.D., stated Ms. Murray did a
16 nice job assembling prior Scope of Practice Committee
17 Meetings and current outstanding issues for
18 discussion. He reported outstanding items include
19 laser utilization by dental hygienists and
20 teledentistry and digital screening imaging and asked
21 whether the Board would like the committee to review
22 those matters and provide recommendations.

23 Dr. Matta mentioned that the committee would like
24 to have another meeting prior to May, and Ms. Townley
25 offered to provide available dates. He also offered

1 to look into any outstanding items the Board or
2 public would like them to consider.]

3 ***

4 Review of Applications

5 MR. ROUSE:

6 Item 19 is the Request for
7 Reconsideration of Daniel Fink. Is
8 there anyone here on that matter who
9 wants to speak? Hearing none.

10 Regarding the Request for
11 Reconsideration of the provisional
12 denial of the Reactivation Application
13 of Daniel Fink at item 19 on the
14 agenda, I believe the Chair would
15 entertain a motion to deny the Request
16 for Reconsideration and delegate this
17 matter to a hearing examiner for a
18 formal hearing.

19 CHAIRMAN CASEY:

20 Yes. Do I have a motion?

21 DR. SULLIVAN:

22 I make that motion.

23 CHAIRMAN CASEY:

24 Second?

25 DR. JASPAN:

1 Second.

2 CHAIRMAN CASEY:

3 Roll call, please.

4

5 Claggett, aye; Casey, aye; Sullivan,
6 aye; Groody, aye; Arndt, aye; Fowler,
7 aye; Funari, aye; Jaspán, aye; Matta,
8 aye; Mountain, aye; Sizemore, aye;
9 Wyant, aye.

10 [The motion carried unanimously.]

11

12 [Godfrey Joel Funari, M.S., D.M.D., exited the
13 meeting at 12:19 p.m. for recusal purposes.]

14

15 MR. ROUSE:

16 For item 20, we have a recusal, Dr.
17 Funari.

18 Regarding item 20, which was a
19 matter discussed in Executive Session
20 for the Application of Stefania
21 Brazzoli, I believe the Chair would
22 entertain a motion to grant the
23 Application for a Restricted Faculty
24 License.

25 CHAIRMAN CASEY:

1 Yes, I would. Motion, please?

2 DR. SULLIVAN:

3 I make that motion.

4 CHAIRMAN CASEY:

5 Second?

6 DR. JASPAN:

7 Second.

8 CHAIRMAN CASEY:

9 Roll call, please.

10

11 Claggett, aye; Casey, aye; Sullivan,
12 aye; Groody, aye; Arndt, aye; Fowler,
13 aye; Jaspán, aye; Matta, aye; Mountain,
14 aye; Sizemore, aye; Wyant, aye.

15 [The motion carried. Godfrey Joel Funari recused
16 himself from deliberations and voting on the motion.]

17 ***

18 [Godfrey Joel Funari, M.S., D.M.D., reentered the
19 meeting at 12:20 p.m.]

20 ***

21 MR. ROUSE:

22 Item 21 on the agenda is Abrar Sabeh.

23 Regarding the Application of Abrar
24 Sabeh at item 21 on the agenda, I
25 believe the Chair would entertain a

1 motion to provisionally deny the
2 Application for Licensure as a
3 Restricted Faculty.

4 CHAIRMAN CASEY:

5 Yes. Do I have a motion?

6 DR. SULLIVAN:

7 I make that motion.

8 CHAIRMAN CASEY:

9 Second?

10 DR. JASPAN:

11 Second.

12 CHAIRMAN CASEY:

13 Roll call, please.

14

15 Claggett, aye; Casey, aye; Sullivan,
16 aye; Groody, aye; Arndt, aye; Fowler,
17 aye; Funari, aye; Jaspán, aye; Matta,
18 aye; Mountain, aye; Sizemore, aye;
19 Wyant, aye.

20 [The motion carried unanimously.]

21

22 MR. ROUSE:

23 Item 22 on the agenda is the
24 Application of Claudia Herrera, Dental
25 Hygienist.

1 I believe the Chair would entertain
2 a motion to provisionally deny the
3 Application for Licensure as a Dental
4 Hygienist.

5 CHAIRMAN CASEY:

6 Yes. Do I have a motion?

7 DR. SULLIVAN:

8 I make that motion.

9 CHAIRMAN CASEY:

10 Second?

11 DR. JASPAN:

12 Second.

13 CHAIRMAN CASEY:

14 Roll call, please.

15

16 Claggett, aye; Casey, aye; Sullivan,
17 aye; Groody, aye; Arndt, aye; Fowler,
18 aye; Funari, aye; Jaspán, aye; Matta,
19 aye; Mountain, aye; Sizemore, aye;
20 Wyant, aye.

21 [The motion carried unanimously.]

22

23 MR. ROUSE:

24 Item 23 on the agenda, Samantha
25 Jenkins, the Application for Expanded

1 Function Dental Assistant.

2 I believe the Chair would entertain
3 a motion to provisionally deny the
4 Application for Certification as an
5 EFDA.

6 CHAIRMAN CASEY:

7 Yes. Do I have a motion, please?

8 DR. SULLIVAN:

9 I make that motion.

10 CHAIRMAN CASEY:

11 Second?

12 DR. JASPAN:

13 Second.

14 CHAIRMAN CASEY:

15 Roll call, please.

16
17 Claggett, aye; Casey, aye; Sullivan,
18 aye; Groody, aye; Arndt, aye; Fowler,
19 aye; Funari, aye; Jaspán, aye; Matta,
20 aye; Mountain, aye; Sizemore, aye;
21 Wyant, aye.

22 [The motion carried unanimously.]

23 ***

24 [Godfrey Joel Funari, M.S., D.M.D., and Joel S.
25 Jaspán, D.D.S., exited the meeting at 12:23 p.m.]

1
2 Correspondence

3 MR. ROUSE:

4 Going to item 24. I believe we have
5 two recusals on the matter of Alan J.
6 Borislow, D.D.S., Dr. Funari and Dr.
7 Jaspan.

8 Regarding the matter of Alan J.
9 Borislow, D.D.S., I believe the Chair
10 would entertain a motion to deny the
11 Request to Waive the CPR requirement
12 for renewal.

13 CHAIRMAN CASEY:

14 Yes. Do I have a motion?

15 DR. SULLIVAN:

16 I make that motion.

17 CHAIRMAN CASEY:

18 Second?

19 ACTING COMMISSIONER CLAGGETT:

20 Second.

21 CHAIRMAN CASEY:

22 Roll call, please.

23

24 Claggett, aye; Casey, aye; Sullivan,
25 aye; Groody, aye; Arndt, aye; Fowler,

1 aye; Matta, aye; Mountain, aye;
2 Sizemore, aye; Wyant, aye.

3 [The motion carried. Godfrey Joel Funari and Joel
4 Jaspan recused themselves from deliberations and
5 voting on the motion.]

6 ***

7 [Godfrey Joel Funari, M.S., D.M.D., and Joel S.
8 Jaspan, D.D.S., reentered the meeting at 12:24 p.m.]

9 ***

10 MR. ROUSE:

11 Item 25 on the agenda is Joseph R.
12 Meyn, D.M.D. I believe the Chair would
13 entertain a motion to deny the Waiver
14 Request to take all continuing
15 education by self-study.

16 CHAIRMAN CASEY:

17 Yes. Do I have a motion, please?

18 DR. SULLIVAN:

19 I make that motion.

20 CHAIRMAN CASEY:

21 Second?

22 DR. JASPAN:

23 Second.

24 CHAIRMAN CASEY:

25 Roll call, please.

1

2

Claggett, aye; Casey, aye; Sullivan,

3

aye; Groody, aye; Arndt, aye; Fowler,

4

aye; Funari, aye; Jaspán, aye; Matta,

5

aye; Mountain, aye; Sizemore, aye;

6

Wyant, aye.

7

[The motion carried unanimously.]

8

9

Correspondence - American Academy of Dental Sleep

10

Medicine Letter

11

[Ronald K. Rouse, Esquire, Board Counsel, noted the

12

letter from the American Academy of Dental Sleep

13

Medicine regarding sleep apnea for the Board's

14

review.]

15

16

For the Board's Information/Discussion - American

17

Association of Dental Boards - Dentist and

18

Dental Hygienist Compact

19

[Ronald K. Rouse, Esquire, Board Counsel, noted

20

information from the American Association of Dental

21

Boards regarding the Dentist and Dental Hygienist

22

Compact for Board discussion at the next Board

23

meeting.

24

Chairman Casey asked Board members to review the

25

information before the next meeting.

1 Dr. Matta commented that they would determine
2 which committees would take deeper consideration and
3 provide recommendations after the Board's discussion
4 at the next meeting.]

5

6 For the Board's Information/Discussion - 2023

7 Legislative Budget and Finance Committee Rural

8 Dental Health Study

9 [Ronald K. Rouse, Esquire, Board Counsel, noted the
10 2023 Legislative Budget and Finance Committee Rural
11 Dental Health Study for the Board's review. He
12 mentioned the study would be important for the mobile
13 van regulation because one of the issues the Board
14 wanted to address was dentally insecure communities
15 and rural communities, which would be appropriate for
16 mobile van-type services.

17 Dr. Jaspan noted that the study also contains
18 other recommendations for increasing dental
19 availability in rural areas and poverty areas, which
20 would be good input for the legislature, and asked
21 whether the Board would be discussing that or just
22 the rural van issue.

23 Dr. Funari commented that there are probably two
24 dozen states that actually have formal mobile
25 dentistry regulations and suggested looking at Ohio,

1 West Virginia, and Virginia for some good ideas or
2 direction.

3 Mr. Rouse asked Dr. Jaspan whether the issue
4 should be brought back to the Board for review or
5 other recommendations to be discussed with the
6 regulatory committee as part of the mobile van
7 discussion.

8 Dr. Jaspan stated the regulatory committee should
9 review it and make recommendations to the whole Board
10 because there are suggestions the Board should make
11 to the legislature, including the mobile van issue
12 and physical dental facilities in rural areas that
13 could be done economically.

14 Dr. Arndt mentioned being involved with the study
15 and working with legislature over the past six years
16 regarding this topic. He informed Board members that
17 he and Ms. Fowler would be on top of this matter.]

18 ***

19 [Shawn M. Casey, D.M.D., Chairman, thanked everyone
20 for their participation and again thanked the
21 committees for their hard work and wished everyone a
22 happy St. Patrick's Day.]

23 ***

24 Adjournment

25 CHAIRMAN CASEY:

1 Do I have a motion to adjourn?

2 DR. SULLIVAN:

3 I make that motion.

4 CHAIRMAN CASEY:

5 Second?

6 DR. JASPAN:

7 Second.

8 CHAIRMAN CASEY:

9 See everybody on May 12.

10 ***

11 [There being no further business, the State Board of
12 Dentistry Meeting adjourned at 12:32 p.m.]

13 ***

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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.

Benjamin Morrow

Ben Morrow,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF DENTISTRY
REFERENCE INDEX

March 10, 2023

TIME

AGENDA

1		
2		
3		
4		
5		
6		
7		
8		
9	9:00	Executive Session
10	10:30	Return to Open Session
11		
12	11:00	Official Call to Order
13		
14	11:01	Roll Call
15		
16	11:02	Introduction of Attendees
17		
18	11:04	Approval of Minutes
19		
20	11:05	Report of Prosecutorial Division
21		
22	11:42	Report of Board Counsel
23		
24	12:12	Report of Board Chairperson
25		
26	12:13	Report of Acting Commissioner
27		
28	12:14	Report of Board Administrator
29		
30	12:14	Report of Committees
31		
32	12:19	Review of Applications
33		
34	12:23	Correspondence
35		
36	12:25	For the Board's Information/Discussion
37		
38	12:32	Adjournment
39		
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