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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: 11:20 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

March 15, 2024

State Board of Dentistry
March 15, 2024

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Jennifer Unis Sullivan, D.M.D., J.D., Chairperson -
Absent
Shawn M. Casey, D.M.D., Vice Chairperson
Theresa A. Groody, DHSc, EFDA, CDA, Secretary
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.
R. Ivan Lugo, D.M.D., M.B.A.
Andrew S. Matta, D.M.D.
LaJuan M. Mountain, D.M.D.
Donna L. Murray, RDH, PHDHP, MSDH
Brian Wyant, Public Health Program Director,
Department of Health designee
Molly Pohlhaus, Deputy Attorney General, Office of
Attorney General
Benjamin McFadden, Legal Extern, Department of State

BUREAU PERSONNEL:

Ronald K. Rouse, Esquire, Board Counsel
Ariel E. O'Malley, Esquire, Board Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
and Board Prosecution Liaison
Gregory S. Liero, Esquire, Board Prosecutor
Denice Szekely, Esquire, Board Prosecutor
Sarah Buhite, Esquire, Board Prosecutor
Mark R. Zogby, Esquire, Board Prosecutor
Amber Lee Czerniakowski, Esquire, Board Prosecutor
Jim Abels, Board Administrator
Christina Townley, Board Administrator
Andrew LaFratte, MPA, Deputy Policy Director,
Department of State

ALSO PRESENT:

Steve Neidlinger, CAE, Executive Director,
Pennsylvania Academy of General Dentistry
Helen Hawkey, Executive Director, Pennsylvania
Coalition for Oral Health

State Board of Dentistry
March 15, 2024

ALSO PRESENT: (cont.)

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7 Joan Burke, CDA, EFDA, President, Pennsylvania
8 Dental Assistants Association
9 Marisa Swarney, Director, Government Relations,
10 Pennsylvania Dental Association
11 Misha Patel, M.D., Curriculum Education Assistant,
12 Geisinger Commonwealth School of Medicine
13 Casey Fellingner, Associate, Milliron & Goodman
14 Barbara Reiprich, RDH, PHDHP, Pennsylvania Dental
15 Hygienists' Association
16 Nicole Payonk, Policy & Advocacy Coordinator,
17 Pennsylvania Coalition for Oral Health
18 Lisa Brown, Dental Assisting/Expanded Function Dental
19 Assisting Program Director and Curriculum
20 Coordinator, YTI Career Institute
21 Brett Wiley, Central Penn College
22 Brittany Sadler, Central Penn College
23 Elizabeth Burdett, MPA, Legislative Analyst, Cozen
24 O'Connor Public Strategies
25 David Palmer, B.S., D.M.D., F.A.C.P., Diplomate,
26 American Board of Prosthodontics
27 Alexis Delaughter, EFDA, CDA, Dental Program
28 Provost, Central Penn College
29 Heather LaManna, Adjunct Professor, Central Penn
30 College
31 Ann Hoffman, RDH, PHDHP, Director of Dental Program,
32 Central Penn College
33 Kimberly Bury, PHDHP, Sadler Health Center
34 Lia BenYishay, MPH, Program & Evaluation Coordinator,
35 Pennsylvania Coalition for Oral Health
36 Maria Eisenhart, Central Penn College
37 Megan Crompton, Senior Associate, Allegheny Strategy
38 Partners
39 Michael Verber, DMD, Central Penn College
40 Michael Fullem, DMD, PA Center for Periodontology
41 Nancy Vo
42 Tyler Burke, Milliron & Goodman, LLC
43 Carly Brubaker, Dental Assistant Student, Central
44 Penn College
45 Krista Wolfe, PT, DPT, ATC. Vice President of
46 Academic Affairs and Provost, Central Penn College
47 Kristi Castanzo, Executive Assistant, Central Penn
48 College
49 Linda Fedrizzi-Williams, Ed.D., President, Central
50 Penn College

State Board of Dentistry
March 15, 2024

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ALSO PRESENT: (cont.)

- Katherine Landsberg, Director, Government Relations,
Dental Assisting National Board, Inc.
- Kacie Jones, RDH, Manager of Special Investigations
Unit, Delta Dental Ins.
- Kara Urland, Verber Family Dentistry
- Curtis Voelker, Community Relations Coordinator,
Central Penn College
- Katie Roller
- Lori McCoy, RDH
- Brooklyn Sizemore
- Lauren Rowles, Central Penn College
- Brianna Garland, Dental Assistant Student, Central
Penn College
- Tara Stock
- Teagan Russell, Dental Assistant Student, Central
Penn College
- Tyler Doblin
- Jaime Clark
- TearQuoya Loper, Dental Assistant Student, Central
Penn College
- Alison Feise, Data & Evaluation Associate,
Pennsylvania Coalition for Oral Health
- Anne Bizup, PhD, RN, Central Penn College
- Amy King, Practice Administrator, Verber Dental Group
- Derek Richmond, Sargent's Court RE porting Service,
Inc.

1 ***

2 State Board of Dentistry

3 March 15, 2024

4 ***

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

11 ***

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

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

23 ***

24 The regularly scheduled meeting of the State
25 Board of Dentistry was held on Friday, March 15,

1 2024. Shawn M. Casey, D.M.D., Vice Chairman, called
2 the meeting to order at 11:20 a.m.

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

6

7 Roll Call of Board Members/Introduction of Attendees
8 [Vice Chairman Casey requested a roll call of Board
9 members and introduction of attendees. There was a
10 quorum.]

11

12 [R. Ivan Lugo, D.M.D., M.B.A., abstained from voting
13 on all motions due to not being seen on the screen.]

14

15 Approval of minutes of the January 12, 2024 meeting

16 VICE CHAIR CASEY:

17 Has everyone had the time to look over
18 the minutes of the meeting last time?

19 At this time, I'd like to entertain
20 a motion to approve them.

21 ACTING COMMISSIONER CLAGGETT:

22 So moved.

23 VICE CHAIR CASEY:

24 Second?

25 MS. MURRAY:

1 Second.

2 VICE CHAIR CASEY:

3 Roll call.

4

5 Claggett, aye; Casey, aye; Groody, aye;

6 Arndt, aye; Fowler, aye; Funari, aye;

7 Jaspan, aye; Lugo, abstain; Matta, aye;

8 Mountain, abstain; Murray, aye; Wyant,

9 aye; Pohlhaus, aye.

10 [The motion carried. R. Ivan Lugo and LaJuan

11 Mountain abstained from voting on the motion.]

12

13 Amendment to the Agenda

14 MR. ROUSE:

15 Item 3 on the agenda at Case No. 24-46-

16 00680 is not going forward; however,

17 there is the matter at Case No. 22-46-

18 012204 that could be placed on the

19 agenda. I wanted to see with item 3 on

20 the agenda, whether the Chair would

21 entertain a motion to remove Case No.

22 24-46-00680 and replace it with Case

23 No. 22-46-012204.

24 VICE CHAIR CASEY:

25 Yes. Do I have a motion, please?

1 ACTING COMMISSIONER CLAGGETT:

2 So moved.

3 VICE CHAIR CASEY:

4 Second?

5 MS. MURRAY:

6 Second.

7 VICE CHAIR CASEY:

8 Jim, roll call, please.

9

10 Claggett, aye; Casey, aye; Groody, aye;
11 Arndt, aye; Fowler, aye; Funari, aye;
12 Jaspan, aye; Lugo, abstain; Matta, aye;
13 Mountain, aye; Murray, aye; Wyant, aye;
14 Pohlhaus, aye.

15 [The motion carried. R. Ivan Lugo abstained from
16 voting on the motion.]

17

18 Report of Prosecutorial Division

19 [Amber Lee Czerniakowski, Esquire, Board Prosecution
20 Liaison, presented the Consent Agreement for Case No.
21 23-46-003618.]

22 MR. ROUSE:

23 Regarding the Consent Agreement at item
24 2 on the agenda, Case No. 23-46-003618.

25 After discussion in Executive

1 Session, I believe the Chair would
2 entertain a motion to adopt the Consent
3 Agreement.

4 VICE CHAIR CASEY:

5 Yes. Do I have a motion?

6 ACTING COMMISSIONER CLAGGETT:

7 So moved.

8 VICE CHAIR CASEY:

9 Second?

10 MS. MURRAY:

11 Second.

12 VICE CHAIR CASEY:

13 Jim, roll call.

14

15 Claggett, aye; Casey, aye; Groody, aye;
16 Arndt, aye; Fowler, aye; Funari, aye;
17 Jaspan, aye; Lugo, abstain; Matta, aye;
18 Mountain, aye; Murray, aye; Wyant, aye;
19 Pohlhaus, aye.

20 [The motion carried. R. Ivan Lugo abstained from
21 voting on the motion. That is the Matter of BPOA v.
22 Ajaykumar N. Patel, D.D.S., Case No. 23-46-003618.]

23

24 [Ronald K. Rouse, Esquire, Board Counsel, noted the
25 Board has already voted to remove item 3 at Case No.

1 24-46-00680 and replaced with item 3 at Case No. 22-
2 46-012204.]

3 ***

4 [Amber Lee Czerniakowski, Esquire, Board Prosecution
5 Liaison, presented the Consent Agreement for Case No.
6 22-46-012204.]

7 MR. ROUSE:

8 Regarding the Consent Agreement at item
9 3 on the agenda, Case No. 22-46-012204.

10 After discussion in Executive
11 Session, I believe the Chair would
12 entertain a motion to adopt the Consent
13 Agreement.

14 VICE CHAIR CASEY:

15 Yes. Do I have a motion, please?

16 ACTING COMMISSIONER CLAGGETT:

17 So moved.

18 VICE CHAIR CASEY:

19 Second?

20 MS. MURRAY:

21 Second.

22 VICE CHAIR CASEY:

23 Jim, roll call, please.

24

25 Claggett, aye; Casey, aye; Groody, aye;

1 Arndt, aye; Fowler, aye; Funari, aye;
2 Jaspan, aye; Lugo, abstain; Matta, aye;
3 Mountain, aye; Murray, aye; Wyant, aye;
4 Pohlhaus, aye.

5 [The motion carried. R. Ivan Lugo abstained from
6 voting on the motion. That is the Matter of BPOA v.
7 Khola Ahmed Khan, D.D.S., Case No. 22-46-012204.]

8 ***

9 [Gregory S. Liero, Esquire, Board Prosecutor,
10 presented the Consent Agreement for Case No. 22-46-
11 011765.]

12 MR. ROUSE:

13 Regarding the Consent Agreement at item
14 4 on the agenda, Case No. 22-46-011765,
15 I believe the Chair would entertain a
16 motion to adopt the Consent Agreement.

17 VICE CHAIR CASEY:

18 Yes. Do I have a motion, please?

19 ACTING COMMISSIONER CLAGGETT:

20 So moved.

21 VICE CHAIR CASEY:

22 Second?

23 MS. MURRAY:

24 Second.

25 VICE CHAIR CASEY:

1 Jim, roll call, please.

2

3 Claggett, aye; Casey, aye; Groody, aye;
4 Arndt, aye; Fowler, aye; Jaspan, aye;
5 Lugo, abstain; Matta, aye; Murray, aye;
6 Wyant, aye; Pohlhaus, aye.

7 [The motion carried. R. Ivan Lugo abstained from
8 voting on the motion. Godfrey Joel Funari and LaJuan
9 Mountain recused themselves from deliberations and
10 voting on the motion. That is the Matter of BPOA v.
11 Lauren Christina Palm, Case No. 22-46-011765.]

12

13 [Godfrey Joel Funari, M.S., D.M.D., and LaJuan M.
14 Mountain, D.M.D., reentered the meeting at
15 11:42 a.m.]

16

17 Report of Board Counsel - Motion to Enter Default and
18 Deem Facts Admitted

19 MR. ROUSE:

20 Item 8 on the agenda is the MDFA in the
21 Matter of BPOA v. Leslyvette Diaz
22 Mejias, Case No. 22-46-003284. This
23 was a matter that was discussed in
24 Executive Session.

25

Regarding the Matter of Leslyvette

1 Diaz Mejias, Case No. 22-46-003284, I
2 believe the Chair would entertain a
3 motion to grant the Motion to Deem
4 Facts Admitted and to direct Board
5 Counsel to prepare the Adjudication and
6 Order in accordance with discussions in
7 Executive Session.

8 VICE CHAIR CASEY:

9 Yes. Do I have a motion, please?

10 ACTING COMMISSIONER CLAGGETT:

11 So moved.

12 VICE CHAIR CASEY:

13 Second?

14 MS. MURRAY:

15 Second.

16 VICE CHAIR CASEY:

17 Jim, roll call, please.

18
19 Claggett, aye; Casey, aye; Groody, aye;
20 Arndt, aye; Fowler, aye; Funari, aye;
21 Jaspán, aye; Lugo, abstain; Matta, aye;
22 Mountain, aye; Murray, aye; Wyant, aye;
23 Pohlhaus, aye.

24 [The motion carried. R. Ivan Lugo abstained from
25 voting on the motion.]

1 ***

2 Report of Board Counsel - Proposed Adjudications and
3 Orders

4 MR. ROUSE:

5 Item 9 on the agenda is the Proposed
6 Adjudication and Order in the Matter of
7 BPOA v. Gregory William Long, D.M.D.,
8 Case No. 20-46-01433.

9 Regarding item 9 on the agenda, I
10 believe the Chair would entertain a
11 motion to direct Board Counsel to
12 prepare a Final Adjudication and Order
13 consistent with the discussion in
14 Executive Session.

15 VICE CHAIR CASEY:

16 Yes. Do I have a motion, please?

17 ACTING COMMISSIONER CLAGGETT:

18 So moved.

19 VICE CHAIR CASEY:

20 Second?

21 MS. MURRAY:

22 Second.

23 VICE CHAIR CASEY:

24 Jim, roll call, please.

25

1 Claggett, aye; Casey, aye; Groody, aye;
2 Arndt, aye; Fowler, aye; Funari, aye;
3 Jaspan, aye; Lugo, abstain; Matta,
4 recuse; Mountain, aye; Murray, aye;
5 Wyant, aye; Pohlhaus, aye.

6 [The motion carried. R. Ivan Lugo abstained from
7 voting on the motion. Andrew Matta recused himself
8 from deliberations and voting on the motion.]

9

10 [Godfrey Joel Funari, M.S., D.M.D., LaJuan M.
11 Mountain, D.M.D., and Molly Pohlhaus,
12 Deputy Attorney General, exited the meeting for
13 recusal purposes at 11:45 a.m.]

14

15 MR. ROUSE:

16 Item 10 on the agenda is the Proposed
17 Adjudication and Order in the Matter of
18 BPOA v. Joseph Anthony Ciampa, D.D.S.,
19 Case No. 22-46-016478.

20 I believe the Chair would entertain
21 a motion to adopt the hearing
22 examiner's Adjudication and direct
23 Board Counsel to prepare the Board's
24 Final Order.

25 VICE CHAIR CASEY:

1 Yes. Do I have a motion, please?

2 ACTING COMMISSIONER CLAGGETT:

3 So moved.

4 VICE CHAIR CASEY:

5 Second?

6 MS. MURRAY:

7 Second.

8 VICE CHAIR CASEY:

9 Jim, roll call, please.

10

11 Claggett, aye; Casey, aye; Groody, aye;

12 Arndt, aye; Fowler, aye; Jaspán, aye;

13 Lugo, abstain; Matta, aye; Murray, aye;

14 Wyant, aye.

15 [The motion carried. R. Ivan Lugo abstained from
16 voting on the motion. Godfrey Joel Funari, LaJuan
17 Mountain, and Molly Pohlhaus recused themselves from
18 deliberations and voting on the motion.]

19

20 [Godfrey Joel Funari, M.S., D.M.D., LaJuan M.
21 Mountain, D.M.D., and Molly Pohlhaus,
22 Deputy Attorney General, reentered the meeting
23 at 11:47 a.m.]

24

25 [Donna L. Murray, RDH, PHDHP, MSDH, exited the

1 meeting at 11:47 a.m. for recusal purposes.]

2 ***

3 Review of Applications

4 MR. ROUSE:

5 Item 12 on the agenda is the
6 Application for a 200-hour EFDA Program
7 from Central Penn College.

8 Regarding the Application of
9 Central Penn College, I believe the
10 Chair would entertain a motion to grant
11 the Application for a 200-hour EFDA
12 Program at Central Penn College.

13 VICE CHAIR CASEY:

14 Yes, I will. Motion, please.

15 ACTING COMMISSIONER CLAGGETT:

16 So moved.

17 VICE CHAIR CASEY:

18 Second?

19 DR. FUNARI:

20 Second.

21 VICE CHAIR CASEY:

22 Jim, roll call, please.

23

24 Claggett, aye; Casey, aye; Groody, aye;

25 Arndt, aye; Fowler, aye; Funari, aye;

1 Jaspan, aye; Lugo, abstain; Matta, aye;
2 Mountain, aye; Wyant, aye; Pohlhaus,
3 aye.

4 [The motion carried. R. Ivan Lugo abstained from
5 voting on the motion. Donna Murray recused herself
6 from deliberations and voting on the motion.]

7

8 [Donna L. Murray, RDH, PHDHP, MSDH, reentered the
9 meeting at 11:50 a.m.]

10

11 [Michael Verber, D.M.D., Central Penn College,
12 commented that there are some workforce issues in
13 dentistry affecting access to care and thanked the
14 Board for their support. He stated President Linda
15 Fedrizzi-Williams; faculty, Ann Hoffman and Alexis
16 Delaughter; and provost, Krista Wolfe, are very
17 committed to the program. He noted looking forward
18 to any direction the Board could provide in the
19 future.

20 Vice Chair Casey wished Central Penn College good
21 luck with their program.]

22

23 MR. ROUSE:

24

25

Item 13 on the agenda is the
Application for a Dentist License by

1 Endorsement.

2 Regarding the Application of
3 Georgia Davis at item 13, I believe the
4 Chair would entertain a motion to grant
5 the Application for Licensure by
6 Endorsement as a Dentist.

7 VICE CHAIR CASEY:

8 Yes. Do I have a motion, please?

9 ACTING COMMISSIONER CLAGGETT:

10 So moved.

11 VICE CHAIR CASEY:

12 Second?

13 MS. MURRAY:

14 Second.

15 VICE CHAIR CASEY:

16 Jim, roll call, please.

17

18 Claggett, aye; Casey, aye; Groody, aye;

19 Arndt, aye; Fowler, aye; Funari, aye;

20 Jaspan, aye; Lugo, abstain; Matta, aye;

21 Mountain, aye; Murray, aye; Wyant, aye;

22 Pohlhaus, aye.

23 [The motion carried. R. Ivan Lugo abstained from
24 voting on the motion.]

25

1 MR. ROUSE:

2 Item 14 on the agenda is Heba Elfar,
3 which is the Application for an
4 Expanded Function Dental Assistant by
5 Endorsement.

6 Regarding the Application of Heba
7 Elfar, I believe the Chair would
8 entertain a motion to provisionally
9 deny the Application for Licensure by
10 Endorsement as an Expanded Function
11 Dental Assistant.

12 VICE CHAIR CASEY:

13 Yes. Motion, please.

14 ACTING COMMISSIONER CLAGGETT:

15 So moved.

16 VICE CHAIR CASEY:

17 Second?

18 MS. MURRAY:

19 Second.

20 VICE CHAIR CASEY:

21 Jim, roll call, please.

22

23 Claggett, aye; Casey, aye; Groody, aye;
24 Arndt, aye; Fowler, aye; Funari, aye;
25 Jaspan, aye; Lugo, abstain; Matta, aye;

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

3 [The motion carried. R. Ivan Lugo abstained from
4 voting on the motion.]

5 ***

6 Report of Board Counsel - Regulations

7 [Ronald K. Rouse, Esquire, Board Counsel, provided a
8 Regulatory Report for the Board's review. He
9 referred to the anesthesia update at 16A-4621 and
10 general revisions 16A-4628, noting the Board adopted
11 an annex in both those cases, and the next step is
12 looking at a preamble, which he submitted for both
13 matters.

14 Mr. Rouse reported the statement of policy on the
15 use of botulinum toxin products at 16A-4622 has been
16 put on hold. He stated Regulatory Counsel is
17 reviewing the volunteer license regulation at 16A-
18 4625. He noted the mobile van regulation at 16A-4629
19 has been put on hold. He stated Regulatory Counsel
20 is also reviewing the Civil Penalties regulation at
21 16A-4630.

22 Mr. Rouse informed Board members that he is
23 working on edits from Regulatory Counsel regarding
24 the licensure by endorsement regulation at 16A-4635.

25 Mr. Rouse addressed 16A-4621, noting a copy of

1 the preamble was submitted to the Board for review.
2 He noted the preamble states all the sections of the
3 regulations that the Board wishes to amend, as well
4 as providing the statutory authority for amending
5 those sections and a description of those amendments.
6 He stated the Board wanted to update regulations to
7 keep them in compliance with current standards for
8 anesthesia.

9 Dr. Jaspan referred to the third line on page 2
10 of the preamble, where in 2005, the Board adopted
11 guidelines published by the American Dental
12 association, American Academy of Pediatric Dentistry,
13 and the American Association of Oral and
14 Maxillofacial Surgeons to establish standards. He
15 suggested changing general dentists and oral and
16 maxillofacial surgeons to dentists, because it
17 excludes other specialties.

18 Dr. Jaspan referred to the annex for the
19 anesthesia update under fees for dental hygienists
20 for the first year, starting April 1, 2023 to April
21 1, 2025, noting it is a full \$50. He explained that
22 they would not have a license for a period of two
23 years, and it should be prorated because the Board
24 has not finished establishing it.

25 Dr. Jaspan asked whether there is a mechanism in

1 place to notify the Board the first time a licensee
2 uses anesthesia because of the regulation requiring
3 the Board be notified.

4 Ms. Townley explained that there is a process
5 already taking place, where the Board is notified
6 before they have anesthesia in their office.

7 Dr. Jaspan referred to page 36 under Permit II
8 and asked whether suction and high-speed vacuum is
9 redundant.

10 Dr. Funari explained that suction equipment
11 implies tubing and suction tips, and the high-speed
12 vacuum source is the actual machinery to create the
13 suction. He recommended leaving those separate,
14 because of the need for a fixed unit and portable
15 unit in an office when they get into the regulation
16 for the inspection.

17 Dr. Jaspan asked whether anyone with a Restricted
18 Permit II is now mandated to have an EKG monitor.

19 Dr. Funari confirmed that it is mandated and
20 further explained that a patient can slip from
21 moderate sedation to deep sedation, and they always
22 need to be monitoring to the next highest level.]

23 MR. ROUSE:

24 Would the Chair entertain a motion to
25 adopt the preamble as amended on page 2

1 and direct Board Counsel to continue
2 with the regulatory process?

3 VICE CHAIR CASEY:

4 Yes. Do I have a motion, please?

5 ACTING COMMISSIONER CLAGGETT:

6 So moved.

7 VICE CHAIR CASEY:

8 Second?

9 MS. MURRAY:

10 Second.

11 VICE CHAIR CASEY:

12 Jim, roll call, please.

13

14 Claggett, aye; Casey, aye; Groody, aye;

15 Arndt, aye; Fowler, aye; Funari, aye;

16 Jaspan, aye; Lugo, abstain; Matta, aye;

17 Mountain, aye; Murray, aye; Wyant, aye;

18 Pohlhaus, aye.

19 [The motion carried. R. Ivan Lugo abstained from
20 voting on the motion.]

21

22 Report of Board Counsel - Regulations

23 [Ronald K. Rouse, Esquire, Board Counsel, noted
24 submitting the preamble for 16A-4628 regarding
25 general revisions.]

1 Dr. Groody referred to § 33.103(c), where the
2 Board is adding a clinical examination for expanded
3 function dental assistant (EFDA) candidates, and
4 completion of the candidate's education has to be
5 within two years of taking the exam, which she fully
6 supported. She stated, with the changes that are
7 proposed to have the clinical exam through CDCA-WREB-
8 CITA (CWC), she did not understand the wording of
9 (d), where the exam scores are accepted for dentists
10 and dental hygienists for five years after passing
11 the exam.

12 Dr. Groody mentioned that it has always been a
13 loophole that people have gotten through, where the
14 candidate completed EFDA education 10 years ago, but
15 since the Board's regulations did not say that there
16 is a time restriction, the Board had to let the
17 candidate in to take the exam. She asked whether the
18 Board should consider if this will change because it
19 is different.

20 Dr. Groody explained that dentists and hygienists
21 pass their exam and then apply to the Board for a
22 license, where EFDAs apply to the Board to be
23 eligible to sit.

24 Mr. Rouse noted it to be a good distinction that
25 when an EFDA is applying, they are actually applying

1 to sit for the examination and do not get certified
2 until after they have passed that examination.

3 Dr. Groody could ask what the Commission on
4 Dental Competency Assessments (CDCA), Western
5 Regional Examining Board (WREB), and Council of
6 Interstate Testing Agencies (CITA) are considering,
7 because when they do the clinical exam, just like
8 dentistry and hygiene, she did not know what happens
9 with their written exam.

10 Dr. Groody noted they are not doing an Objective
11 Structured Clinical Examination (OSCE) but asked
12 whether they are still going to do the Pearson VUE
13 exam. She commented that it leaves it open to
14 confusion but did not have a sound recommendation,
15 because they are different in the order in which they
16 apply to the Board.

17 Mr. Rouse referred to prior discussion concerning
18 the annex, where the Board normally has the written
19 exam through Pearson VUE for EFDA, but there was
20 discussion as to whether there could be a clinical
21 exam because CDCA does administer a clinical
22 examination. He believed the Board was talking about
23 a written and a clinical, but asked whether the
24 clinical would replace the written.

25 Dr. Groody still likes the written, but since the

1 written is not CDCA's, she did not know how it would
2 work. She offered to ask them, but also recommended
3 just creating a couple of sentences pertaining to
4 just EFDA functions to differentiate from dentists
5 and hygiene.

6 Dr. Groody referred to § 33.103(d), where it says
7 they will accept scores from five years of the date
8 of passing the exam. She noted that it is not for
9 EFDA's, because they are going to limit their's to two
10 years of applying to sit for the exam in (c) and need
11 a sentence to support that. She explained that they
12 cannot apply to take the test after five years, which
13 is what (d) sort of infers.

14 Ms. Townley commented that they use the five
15 years as a basis for review of reactivations and did
16 not think they should remove it altogether in any
17 way, where anyone with an inactive or expired license
18 for five years would have to retake the exam if they
19 have not been practicing on an active license in
20 another jurisdiction.

21 Dr. Groody explained she was not asking to remove
22 it, but to clarify and differentiate the EFDA
23 language from dentists and hygiene because it is a
24 different order in which they sit for the exam and
25 receive the certificate.

1 Mr. Rouse confirmed the section at § 33.103(d)
2 regarding examinations, where it says
3 "Additional requirement. The Board will recognize
4 successful completion of the dental or dental hygiene
5 clinical examinations or the expanded function dental
6 assistant examination approved by the Board for up to
7 five years from the date the candidate passed the
8 exam.

9 After five years, the Board will accept passing
10 scores on the examination only if the candidate has
11 been engaged in postgraduate training or in the
12 practice of dentistry as a dental hygienist or as an
13 expanded function dental assistant in another
14 jurisdiction during the five years preceding
15 application for licensure by examination. Otherwise,
16 the candidate shall sit for and achieve a passing
17 score on the applicable examination as provided in
18 this section."

19 Mr. Rouse explained that the section refers to
20 people who may have their license and practiced and
21 then stopped practicing in Pennsylvania for five
22 years, noting they will have to take the exam over
23 again. He noted anyone practicing in another
24 jurisdiction during that period of time would not
25 have to take the exam over again, as explained in

1 (d).

2 Dr. Groody commented that the point could be met
3 with adding the clinical component of the exam in (c)
4 and then adding the language that was missing, that
5 within two years, because they cannot wait five years
6 from graduating from an EFDA program to apply to sit
7 for the exam.

8 Dr. Funari referred to the restricted faculty
9 license under § 33.119 and believed language should be
10 inserted in the regulation that allows for nondental
11 school-based, e.g., hospitals and CODA-accredited
12 dental specialty training programs, such as oral
13 surgery, general practice residency (GPR), facial
14 pain, temporomandibular joint (TMJ), and anesthesia
15 residents to have access to faculty licensing for
16 staffing purposes.

17 Dr. Funari noted it is not clear in the
18 regulation, because it keeps referring back to dental
19 school or a faculty member in an accredited dental
20 school and does not allow for other programs that are
21 not dental-school based.

22 Mr. Rouse offered to look into adding some
23 language because the Dental Law seemed to tap into
24 that but was not clear.

25 Dr. Funari mentioned that the letter from the

1 Pennsylvania dental school deans a year ago were
2 looking for language. He referred to 63 P.S. § 121
3 regarding a restricted faculty license and believed
4 there should be language in there not allowing
5 practice in an intramural practice. He explained
6 that an intramural practice is basically a private
7 practice for the faculty member. He noted there
8 might be a resident in there, but it is the faculty
9 member that books the patient and treats the patient,
10 where it is almost a private practice. He mentioned
11 that it is a loophole that he did not want to see for
12 somebody with a faculty license.

13 Dr. Lugo commented that it is also called a
14 faculty practice and does not have to be necessarily
15 on the school grounds and could be a satellite
16 clinic. He noted they could be billing at the
17 institutional price as if the services were performed
18 by a fully licensed dentist and becomes revenue. He
19 mentioned the terms used could be faculty practice or
20 satellite clinics.

21 Dr. Funari believed it would be appropriate to
22 allow somebody with a faculty license to work in a
23 satellite clinic if it is still a resident-driven
24 location, noting he has five of those where he works,
25 because it is not based in the hospital and are

1 primary working areas for their residents but is not
2 an intramural practice.

3 Mr. Rouse commented that those are for
4 educational purposes as opposed to treatment of
5 private patients.

6 Dr. Lugo noted that all those satellite sites and
7 the main institutional sites would have been listed
8 in that accreditation document if they are CODA
9 accredited.

10 Mr. Rouse asked whether Board members wished to
11 bring general revisions back in May for further
12 discussion, and Board members agreed.]

13 ***

14 Report of Board Chairperson

15 [Shawn M. Casey, D.M.D., Vice Chair, informed
16 everyone that Chair Sullivan was tending to her
17 mother due to a fall and wished her mother well.

18 Vice Chair Casey, on behalf of the Board, thanked
19 Dr. Lugo for over 12 years of service to the
20 Pennsylvania State Board of Dentistry.

21 Dr. Lugo also thanked staff and leadership
22 members for their support, along with public members
23 for their valued input and dedication. He noted it
24 to be an honor and expressed his appreciation for the
25 process of protecting the public.

1 Dr. Groody stated Dr. Lugo has been an advocate
2 for many things, including expanded function dental
3 assistant (EFDA) education and promotion. She
4 thanked him for showing everyone how to broaden their
5 scope of thinking and all he has done for the
6 patients of the Commonwealth of Pennsylvania.]

7 ***

8 Report of Acting Commissioner - No Report

9 ***

10 Report of Board Administrator - No Report

11 ***

12 Report of Committees - Legislative and Regulatory
13 Committee - No Report

14 ***

15 Report of Committees - Accreditation and Licensing
16 Committee - No Report

17 ***

18 Report of Committees - Probable Cause Screening
19 Committee

20 [Joel S. Jaspan, D.D.S., reported seven cases were
21 considered.]

22 ***

23 Report of Committees - Scope of Traditional and
24 Emerging Practice Committee - No Report

25 ***

1 Adjournment

2 VICE CHAIR CASEY:

3 I'd like to thank everybody for today
4 and wish Jennifer's mom a get well
5 soon.

6 I'd like to make a motion to end the
7 meeting.

8 ACTING COMMISSIONER CLAGGETT:

9 So moved.

10 DR. FUNARI:

11 Second.

12 VICE CHAIR CASEY:

13 Happy St. Patrick's Day. See you in
14 May.

15 ***

16 [There being no further business, the State Board of
17 Dentistry Meeting adjourned at 12:28 p.m.]

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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.



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF DENTISTRY
REFERENCE INDEX

March 15, 2024

| | TIME | AGENDA |
|----|-------|----------------------------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | 9:00 | Executive Session |
| 9 | 11:00 | Return to Open Session |
| 10 | | |
| 11 | 11:20 | Official Call to Order |
| 12 | | |
| 13 | 11:20 | Roll Call |
| 14 | | |
| 15 | 11:20 | Introduction of Attendees |
| 16 | | |
| 17 | 11:27 | Approval of Minutes |
| 18 | | |
| 19 | 11:27 | Amendment to the Agenda |
| 20 | | |
| 21 | 11:29 | Report of Prosecutorial Division |
| 22 | | |
| 23 | 11:42 | Report of Board Counsel |
| 24 | | |
| 25 | 11:47 | Review of Applications |
| 26 | | |
| 27 | 11:55 | Report of Board Counsel (cont.) |
| 28 | | |
| 29 | 12:22 | Report of Board Chairperson |
| 30 | | |
| 31 | 12:27 | Report of Committees |
| 32 | | |
| 33 | 12:28 | Adjournment |
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