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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

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

September 13, 2024

State Board of Dentistry
September 13, 2024

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
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. Jaspán, D.D.S. - Absent
Andrew S. Matta, D.M.D. - Absent
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:

Ronald K. Rouse, Esquire, Board Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
and Board Prosecution Liaison
James Abels, Board Administrator
Nichole Wray, Division Chief, Health Licensing
Division
Andrew LaFratte, MPA, Deputy Policy Director,
Department of State

ALSO PRESENT:

Joan Burke, CDA, EFDA, President, Pennsylvania
Dental Assistants Association
Marisa Swarney, Director, Government Relations,
Pennsylvania Dental Association
Elizabeth Burdett, MPA, Legislative Analyst, Cozen
O'Connor Public Strategies
Misha Patel, M.D., Curriculum Education Assistant,
Geisinger Commonwealth School of Medicine
Morgan Plant, Government Relations Consultant,
Pennsylvania Dental Hygienists' Association
Nicole Payonk, Policy & Advocacy Coordinator,
Pennsylvania Coalition for Oral Health

State Board of Dentistry
September 13, 2024

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ALSO PRESENT: (cont.)

Steve Neidlinger, CAE, Executive Director,
Pennsylvania Academy of General Dentistry
Kim Bury, RDH, PHDHP, BS, President-Elect,
Pennsylvania Dental Hygienists' Association
Michel Laner, D.M.D.
Marie Donahue
Jamie LaPierre, D.M.D.
Madeline Helmstetter, Sargent's Court Reporting
Service, Inc.

1 State Board of Dentistry

2 September 13, 2024

3 ***

4 [Pursuant to Section 708(a)(5) of the Sunshine Act,
5 at 9:00 a.m. the Board entered into Executive Session
6 with 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 11:00 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, in-
14 person and by livestream teleconference, pursuant to
15 Act 100 of 2021, which requires boards to use a
16 virtual platform to conduct business when a public
17 meeting is held.

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

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

25 ***

1 MS. MURRAY:

2 I make that motion.

3 CHAIR SULLIVAN:

4 Do I have a second?

5 ACTING COMMISSIONER CLAGGETT:

6 Second.

7 CHAIR SULLIVAN:

8 Could I have a roll call vote, please?

9

10 Claggett, aye; Arndt, aye; Fowler, aye;

11 Funari, abstain; Mountain, aye; Murray,

12 aye; Warwick, abstain; Wyant, aye;

13 Pohlhaus; Casey, aye; Sullivan.

14 [The motion carried. Godfrey Joel Funari and Joyce
15 Warwick abstained from voting on the motion. Molly
16 Pohlhaus experienced technical difficulties and did
17 not vote on the motion. Jennifer Sullivan's vote was
18 interrupted.]

19

20 [Jennifer Unis Sullivan, D.M.D., J.D., Chairperson;

21 Godfrey Joel Funari, M.S., D.M.D.; LaJuan M.

22 Mountain, D.M.D.; and Shawn M. Casey, D.M.D., Vice

23 Chair, exited the meeting at 11:09 a.m. for recusal
24 purposes.]

25

1 DR. ARNDT ASSUMED THE CHAIR

2 ***

3 Report of Prosecutorial Division

4 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor
5 and Prosecution Liaison, on behalf of Amber Lee
6 Czerniakowski, Esquire, presented the Consent
7 Agreement for Case Nos. 23-46-015660 & 23-46-017820.
8 He noted for the record that there are two numbers
9 based upon the filing of an Immediate Temporary
10 Suspension as well as the filing of a Petition for a
11 Mental and Physical Examination based upon the
12 respondent's criminal charges.]

13 ***

14 MR. ROUSE:

15 Regarding the Consent Agreement at item
16 2 on the agenda, Case Nos. 23-46-015660
17 & 23-46-017820, after discussion in
18 Executive Session, I believe the Chair
19 would entertain a motion to adopt the
20 Consent Agreement.

21 DR. ARNDT:

22 The Chair does entertain that. Do I
23 have a motion?

24 MS. MURRAY:

25 I make that motion.

1 DR. ARNDT:

2 Second?

3 ACTING COMMISSIONER CLAGGETT:

4 Second.

5 MR. ROUSE:

6 Roll call.

7

8 Claggett, aye; Arndt, aye; Fowler, aye;

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

10 Pohlhaus, aye.

11 [The motion carried. Jennifer Sullivan, LaJuan
12 Mountain, Godfrey Joel Funari, and Shawn Casey
13 recused themselves from from voting on the motion.

14 This is the Matter of BPOA v. Thomas J. Donahue,
15 D.M.D., Case Nos. 23-46-015660 & 23-46-017820.]

16 ***

17 [Jennifer Unis Sullivan, D.M.D., J.D., Chairperson;
18 Godfrey Joel Funari, M.S., D.M.D.; LaJuan M.
19 Mountain, D.M.D.; and Shawn M. Casey, D.M.D., Vice
20 Chair, reentered the meeting at 11:17 a.m.]

21 ***

22 CHAIR SULLIVAN RESUMED THE CHAIR

23 ***

24 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor
25 and Prosecution Liaison, on behalf of Gregory S.

1 Liero, Esquire, Board Prosecutor, presented the
2 Consent Agreement for Case No. 19-46-009520. He
3 noted for the record that the respondent has been
4 licensed since July 1997 and has not had a complaint
5 filed against him before the Board in this matter.
6 He stated the respondent worked as an independent
7 contractor for SmileDirectClub, Incorporated, in
8 connection with SmileDirectClub service offering
9 custom-made aligners.

10 Mr. Jarabeck explained that the complainant was
11 given a 3D dental scan by support personnel at a
12 SmileDirectClub facility in Pennsylvania in 2019, and
13 the respondent reviewed the scans remotely and
14 approved orthodontic aligner treatment for the
15 complainant in 2019.

16 Mr. Jarabeck noted the respondent had never seen
17 the complainant in person during any portion of
18 treatment and was charged with violations of failure
19 to conform to the accepted standard of care in the
20 Commonwealth of Pennsylvania.

21 Mr. Jarabeck mentioned that mitigation was
22 provided by the respondent through his attorney,
23 indicating that the respondent was available at all
24 times to discuss treatment with the patient via
25 telephone but was never made aware that the patient

1 sought communications with him.

2 Mr. Jarabeck stated the respondent believed that
3 the SmileDirect arrangement constituted acceptable
4 and permissible dental practices, noting no such
5 permission was granted from the Board with regard to
6 teledentistry, and the employing company is now
7 bankrupt.

8 Mr. Jarabeck noted the recommendation is a civil
9 penalty of \$2,000, payment of cost of investigation
10 of \$5,211.95, and a public reprimand.

11 Dr. Funari commented that it is somewhat of a
12 precedent setting case and asked why no action was
13 taken against the respondent's license in terms of
14 probation or suspension.

15 Mr. Jarabeck explained that suspension would be
16 well beyond the line of appropriate action in this
17 case. He further explained that probation was an
18 area of discussion but appeared too harsh because of
19 the nature of the precedential case and knowing that
20 there had been no line drawn in the past by the
21 Board.

22 Mr. Jarabeck mentioned it to be an opportunity to
23 ensure that individuals understood that crossing
24 beyond this line in terms of teledentistry until
25 there are regulations or law that permits would be a

1 violation.

2 Dr. Arndt believed the provision of teledentistry
3 was for existing patients and not new patients, and
4 there must be a relationship with a patient prior to
5 providing teledentistry.

6 Mr. Jarabeck noted that there is nothing final on
7 the teledentistry bill causing a level of confusion
8 and is why it is important to be measured in what the
9 Commonwealth has offered and what has been accepted
10 in terms of discipline.

11 Dr. Arndt expressed concern with the freedom of
12 being able to treat a patient without ever seeing
13 them in person. He mentioned that the dentist never
14 physically saw nor examined the patient and is a
15 fundamental requirement of dentistry, because the
16 patient was not receiving the minimum required
17 standard of care for patients within the state of
18 Pennsylvania.

19 Ms. Fowler commented that the situation does not
20 fit with teledentistry because the dentist did not
21 see or examine the patient, noting the services were
22 completely provided by a staff person and telehealth
23 dentistry implies some form of communication between
24 the patient and the dentist.

25 Mr. Jarabeck referred to a previous matter that

1 had been rejected as a Motion to Enter Default with
2 regard to this corporation, but the licensee in this
3 instance did not provide treatment, did not meet with
4 the patient, and was not available to the patient but
5 again mentioned the level of confusion and is why
6 there was the civil penalty, the cost of
7 investigation, and the reprimand.

8 Chair Sullivan referred to the statement that the
9 practitioner was an independent contractor and then
10 an employee of SmileDirect, which is a direct
11 conflict. She stated an independent contractor is
12 responsible for their own actions and not covered by
13 being an employee and, even then, is still
14 responsible for their actions as a licensed provider.

15 Chair Sullivan mentioned that she did not
16 understand why there is a distinction of an
17 independent client contractor and then he claims in
18 his mitigation that he believed that the SmileDirect
19 policies were within the standards of dentistry.

20 Mr. Jarabeck explained that individuals want to
21 have their say with mitigation statements and does
22 not necessarily affect the admissions, particularly
23 that are shown at paragraph 3, what conduct and
24 circumstance that they have admitted.

25 Dr. Arndt did not believe there was any confusion

1 in terms of the standard of care for a dentist in the
2 state of Pennsylvania, and the dentist knew those
3 standards of care and did not perform those standards
4 of care by not doing the exam.]

5 MR. ROUSE:

6 Regarding the Consent Agreement at item
7 3 on the agenda at Case No. 19-46-
8 009520, after discussion in Executive
9 Session, I believe the Chair would
10 entertain a motion to reject the
11 Consent Agreement as too lenient.

12 CHAIR SULLIVAN:

13 Can I have a motion, please?

14 MS. MURRAY:

15 I make that motion.

16 CHAIR SULLIVAN:

17 Second?

18 ACTING COMMISSIONER CLAGGETT:

19 Second.

20 CHAIR SULLIVAN:

21 On the question, could we please have a
22 roll call vote?

23

24 Claggett, aye; Arndt, aye; Fowler, aye;
25 Funari, aye; Mountain, aye; Murray,

1 aye; Warwick, aye; Wyant, aye;
2 Pohlhaus, aye; Casey, aye; Sullivan,
3 aye.

4 [The motion carried unanimously.]

5 ***

6 Report of Board Counsel - Matters for Deliberation

7 MR. ROUSE:

8 Item 4 on the agenda is the Motion for
9 Reconsideration of the Provisional
10 Denial of a License to Practice
11 Dentistry of Jamie Lapierre, D.M.D.,
12 Case No. 24-46-012541.

13 Regarding that Application of Dr.
14 Jamie Lapierre, I believe the Chair
15 would entertain a motion to grant the
16 Motion for Reconsideration and grant
17 the Application for a License to
18 Practice Dentistry.

19 CHAIR SULLIVAN:

20 Do I have a motion?

21 MS. MURRAY:

22 I make that motion.

23 CHAIR SULLIVAN:

24 Second?

25 ACTING COMMISSIONER CLAGGETT:

1 Second.

2 CHAIR SULLIVAN:

3 May we have a roll call vote, please?

4

5 Claggett, aye; Arndt, aye; Fowler, aye;

6 Funari, aye; Murray, aye; Mountain,

7 aye; Warwick, aye; Wyant, aye;

8 Pohlhaus, aye; Casey, aye; Sullivan,

9 aye.

10 [The motion carried unanimously.]

11

12 MR. ROUSE:

13 Item 5 on the agenda is the Motion for

14 Reconsideration of the Provisional

15 License to Practice Dentistry of Mais

16 Al Dahan, D.D.S., Case No. 24-46-

17 012543.

18 Regarding that matter at item 5 on

19 the agenda, I believe the Chair would

20 entertain a motion to grant the Motion

21 for Reconsideration and grant the

22 Application for Licensure by

23 Endorsement as a Dentist.

24 CHAIR SULLIVAN:

25 Do I have a motion?

1 MS. MURRAY:

2 I make that motion.

3 CHAIR SULLIVAN:

4 Do I have a second?

5 ACTING COMMISSIONER CLAGGETT:

6 Second.

7 CHAIR SULLIVAN:

8 Roll call vote, please.

9

10 Claggett, aye; Arndt, aye; Fowler, aye;
11 Funari, aye; Mountain, aye; Murray,
12 aye; Warwick, aye; Wyant, aye;
13 Pohlhaus, aye; Casey, aye; Sullivan,
14 aye.

15 [The motion carried unanimously.]

16

17 MR. ROUSE:

18 Item 6 on the agenda is the Motion for
19 Reconsideration of the Provisional
20 Denial of a License to Practice as a
21 Dental Hygienist of Maranda Lehtinen,
22 Case No. 23-46-016924.

23

24 Regarding the Application for
Maranda Lehtinen, I believe the Chair
25 would entertain a motion to grant the

1 Motion for Reconsideration and grant
2 the Application for Licensure by
3 Endorsement as a Dental Hygienist.

4 CHAIR SULLIVAN:

5 Do I have a motion?

6 MS. MURRAY:

7 I make that motion.

8 CHAIR SULLIVAN:

9 Do I have a second?

10 ACTING COMMISSIONER CLAGGETT:

11 Second.

12 CHAIR SULLIVAN:

13 Roll call vote, please.

14
15 Claggett, aye; Arndt, aye; Fowler, aye;
16 Funari, aye; Mountain, aye; Murray,
17 aye; Warwick, aye; Wyant, aye;
18 Pohlhaus, aye; Casey, aye; Sullivan,
19 aye.

20 [The motion carried unanimously.]

21 ***

22 Report of Board Counsel - Proposed Adjudication and
23 Order

24 MR. ROUSE:

25 Item 14 on the agenda is the Proposed

1 Adjudication and Order in the Matter of
2 Stephen Joseph Ollock, D.M.D., Case No.
3 22-46-003509.

4 Regarding that Proposed
5 Adjudication and Order, I believe the
6 Chair would entertain a motion to
7 direct Board Counsel to prepare a Final
8 Adjudication and Order consistent with
9 the discussion in Executive Session.

10 CHAIR SULLIVAN:

11 Do I have a motion?

12 MS. MURRAY:

13 I make that motion.

14 CHAIR SULLIVAN:

15 Do I have a second?

16 ACTING COMMISSIONER CLAGGETT:

17 Second.

18 CHAIR SULLIVAN:

19 Roll call vote, please.

20
21 Claggett, aye; Arndt, aye; Fowler, aye;
22 Funari, aye; Mountain, aye; Murray,
23 aye; Warwick, aye; Wyant, aye;
24 Pohlhaus, aye; Casey, aye; Sullivan,
25 aye.

1 [The motion carried unanimously.]

2 ***

3 Review of Applications

4 MR. ROUSE:

5 Item 17 on the agenda is the
6 Application of Daniel Wen.

7 Regarding the Application of Daniel
8 Wen at item 17 on the agenda, I believe
9 the Chair would entertain a motion to
10 grant the Application for a License to
11 Practice Dentistry.

12 CHAIR SULLIVAN:

13 Do I have a motion?

14 MS. MURRAY:

15 I make that motion.

16 CHAIR SULLIVAN:

17 Do I have a second?

18 ACTING COMMISSIONER CLAGGETT:

19 Second.

20 CHAIR SULLIVAN:

21 Roll call vote, please.

22
23 Claggett, aye; Arndt, aye; Fowler, aye;
24 Funari, aye; Mountain, aye; Murray,
25 aye; Warwick, aye; Wyant, aye;

1 Pohlhaus, aye; Casey, aye; Sullivan,
2 aye.

3 [The motion carried unanimously.]

4 ***

5 [LaJuan M. Mountain, D.M.D, exited the meeting at
6 11:40 a.m. for recusal purposes.]

7 ***

8 Report of Board Counsel - Proposed Adjudication and
9 Order

10 MR. ROUSE:

11 Item 15 on the agenda is the Proposed
12 Adjudication and Order in the Matter of
13 BPOA v. Laura Lynn Ratcliffe, RDH, Case
14 No. 23-46-013796.

15 Regarding that matter, I believe
16 the Chair would entertain a motion to
17 adopt the Hearing Examiner's
18 adjudication and to direct Board
19 Counsel to prepare the Board's Final
20 Order.

21 CHAIR SULLIVAN:

22 Do I have a motion?

23 MS. MURRAY:

24 I make that motion.

25 CHAIR SULLIVAN:

1 Do I have a second?

2 ACTING COMMISSIONER CLAGGETT:

3 Second.

4 CHAIR SULLIVAN:

5 Roll call vote, please.

6

7 Claggett, aye; Arndt, aye; Fowler, aye;

8 Funari, aye; Murray, aye; Warwick, aye;

9 Wyant, aye; Pohlhaus, aye; Casey, aye;

10 Sullivan, aye.

11 [The motion carried. LaJuan Mountain recused herself
12 from deliberations and voting on the motion.]

13

14 Report of Board Counsel - Final Adjudications and
15 Orders

16 MR. ROUSE:

17 Item 10 on the agenda is BPOA v.
18 Jennifer Nicole Miller, Case No. 22-46-
19 011315, which is a Final Adjudication
20 and Order.

21 I believe the Chair would entertain
22 a motion to adopt the Adjudication and
23 Order as presented by Board Counsel and
24 to direct Board Counsel to prepare the
25 Board's Final Order.

1 CHAIR SULLIVAN:

2 Do I have a motion?

3 MS. MURRAY:

4 I make that motion.

5 CHAIR SULLIVAN:

6 Do I have a second?

7 ACTING COMMISSIONER CLAGGETT:

8 Second.

9 CHAIR SULLIVAN:

10 Roll call vote, please.

11

12 Claggett, aye; Arndt, aye; Fowler, aye;

13 Funari, aye; Murray, aye; Warwick, aye;

14 Wyant, aye; Pohlhaus, aye; Casey, aye;

15 Sullivan, aye.

16 [The motion carried. LaJuan Mountain recused herself
17 from deliberations and voting on the motion.]

18

19 MR. ROUSE:

20 Item 11 on the agenda is BPOA v.

21 Deborah Elizabeth Hickey, EFDA, Case

22 No. 21-46-016299, which is a Final

23 Adjudication and Order.

24 I believe the Chair would entertain

25 a motion to adopt the Adjudication and

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

4 CHAIR SULLIVAN:

5 Do I have a motion?

6 MS. MURRAY:

7 I make that motion.

8 CHAIR SULLIVAN:

9 Do I have a second?

10 ACTING COMMISSIONER CLAGGETT:

11 Second.

12 CHAIR SULLIVAN:

13 Roll call vote, please.

14
15 Claggett, aye; Arndt, aye; Fowler, aye;
16 Funari, aye; Murray, aye; Warwick, aye;
17 Wyant, aye; Pohlhaus, aye; Casey, aye;
18 Sullivan, aye.

19 [The motion carried. LaJuan Mountain recused herself
20 from deliberations and voting on the motion.]

21 ***

22 [Jennifer Unis Sullivan, D.M.D., J.D., Chairperson;
23 LaJuan M. Mountain, D.M.D.; and Brice Arndt, D.D.S.,
24 exited the meeting at 11:45 a.m. for recusal
25 purposes.]

1 ***

2 VICE CHAIR CASEY ASSUMED THE CHAIR

3 ***

4 Report of Board Counsel - Final Adjudications and
5 Orders

6 MR. ROUSE:

7 Item 9 on the agenda is a Final
8 Adjudication and Order in the Matter of
9 BPOA v. Janel Elizabeth Keppel, Case
10 NO. 23-46-000141.

11 I believe the Chair, at item 9 on
12 the agenda, would entertain a motion to
13 adopt the Adjudication and Order as
14 presented by Board Counsel and to
15 direct Board Counsel to prepare the
16 Board's Final Order.

17 VICE CHAIR CASEY:

18 Do I have a motion?

19 MS. MURRAY:

20 I make that motion.

21 VICE CHAIR CASEY:

22 Second, please?

23 ACTING COMMISSIONER CLAGGETT:

24 Second.

25 VICE CHAIR CASEY:

1 Roll call.

2

3 Claggett, aye; Fowler, aye; Funari,
4 aye; Murray, aye; Warwick, aye; Wyant,
5 aye; Pohlhaus, aye; Casey, aye.

6 [The motion carried. Jennifer Sullivan, LaJuan
7 Mountain, and Brice Arndt recused themselves from
8 deliberations and voting on the motion.]

9

10 [Godfrey Joel Funari, M.S., D.M.D., exited the
11 meeting at 11:46 a.m. for recusal purposes.]

12

13 [Brice D. Arndt, D.D.S., reentered the meeting at
14 11:46 a.m.]

15

16 MR. ROUSE:

17 Item 12 on the agenda is a Final
18 Adjudication and Order in the Matter of
19 BPOA v. Joseph Anthony Ciampa, D.D.S.,
20 Case No. 22-46-016478.

21 I believe the Chair would entertain
22 a motion to adopt the Adjudication and
23 Order as presented by Board Counsel and
24 direct Board Counsel to prepare the
25 Board's Final Order.

1 VICE CHAIR CASEY:

2 Do I have a motion, please?

3 MS. MURRAY:

4 I make that motion.

5 VICE CHAIR CASEY:

6 Second?

7 ACTING COMMISSIONER CLAGGETT:

8 Second.

9 VICE CHAIR CASEY:

10 Jim, roll call, please.

11

12 Claggett, aye; Arndt, aye; Fowler, aye;

13 Murray, aye; Warwick, aye; Wyant, aye;

14 Pohlhaus, aye; Casey, aye.

15 [The motion carried. Jennifer Sullivan, LaJuan

16 Mountain, and Godfrey Joel Funari recused themselves

17 from deliberations and voting on the motion.]

18

19 [Godfrey Joel Funari, D.M.D., reentered the meeting

20 at 11:47 a.m.]

21

22 MR. ROUSE:

23 Item 13 on the agenda is the Final

24 Adjudication and Order for BPOA v.

25 Gregory William Long, D.M.D., Case No.

1 20-46-010433.

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

7 VICE CHAIR CASEY:

8 Motion, please?

9 MS. MURRAY:

10 I make that motion.

11 VICE CHAIR CASEY:

12 Do I have a second?

13 ACTING COMMISSIONER CLAGGETT:

14 Second.

15 VICE CHAIR CASEY:

16 Jim, roll call, please.

17

18 Claggett, aye; Arndt, aye; Fowler, aye;

19 Funari, aye; Murray, aye; Warwick, aye;

20 Wyant, aye; Pohlhaus, aye; Casey, aye.

21 [The motion carried. Jennifer Sullivan and LaJuan

22 Mountain recused themselves from deliberations and

23 voting on the motion.]

24

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

1 and LaJuan M. Mountain, D.M.D., reentered the meeting
2 at 11:48 a.m.]

3 ***

4 CHAIR SULLIVAN RESUMED THE CHAIR

5 ***

6 Report of Board Counsel - Regulations
7 [Ronald K. Rouse, Esquire, Board Counsel, provided a
8 Regulatory Report for Board's review. He stated the
9 regulation for Licensure by Endorsement had been
10 submitted to the Independent Regulatory Review
11 Commission. He noted the Board received one comment
12 from the Pennsylvania Academy of General Dentistry
13 (PAGD) endorsing the proposed regulation after the
14 proposed annex was published in the *Pennsylvania*
15 *Bulletin*.

16 Mr. Rouse explained that the Independent
17 Regulatory Review Commission now has 30 days to
18 provide the Board with any comments, which will be
19 presented to the Board. He mentioned that the
20 comments will be helpful in terms of creating the
21 final regulatory package for Licensure by
22 Endorsement.]

23 ***

24 Report of Board Counsel - Regulations
25 [Ronald K. Rouse, Esquire, Board Counsel, deferred

1 16A-4629 regarding mobile vans until the Regulatory
2 Committee speaks on that matter.]

3 ***

4 Report of Board Chairperson - No Report

5 ***

6 Report of Acting Commissioner - No Report

7 ***

8 Report of Board Administrator - No Report

9 ***

10 Report of Committees - Legislative and Regulatory
11 Committee

12 [Brice D. Arndt, D.D.S., addressed the Legislative
13 and Regulatory Committee Meeting held on August 30,
14 2024, concerning mobile vans and mobile dentistry as
15 a whole. He mentioned that Board members were also
16 invited to attend and thanked everyone for their
17 effort and participation.

18 Dr. Arndt noted the Committee discussed the goal
19 of the regulations and provided Board members notes
20 from the meeting, as well as some of the proposals
21 that have been passed back and forth in reports from
22 2010 to 2014, looking for a basis to be able to move
23 forward.

24 Dr. Arndt noted discussion as to whether the
25 Board has the authorization to move forward or

1 whether it is a legislative issue, whether ownership
2 needed to be a dentist or can it be another entity
3 that employs dentists, and the practice area of where
4 mobile dentistry could be provided.

5 Dr. Arndt and Ms. Fowler reached out to six
6 states that have different regulations on mobile
7 dentistry and are waiting to see their regulations to
8 be able to decide whether or not that fits in what
9 Pennsylvanians deserve and should expect from mobile
10 dentistry.

11 Ms. Fowler stated it became increasingly clear
12 that they were being guided by a central principle
13 that the standard of care needed to be identical no
14 matter where services are provided. She noted being
15 able to acknowledge that even though the standard
16 needed to be identical. There are unique differences
17 based on where the practice is located, including a
18 hospital setting or a mobile van. She also noted
19 discussion concerning the requirement of equipment
20 being secure during transport.

21 Ms. Fowler mentioned the importance of Board
22 member and public input and believed that they could
23 add in whatever detail is necessary if they could
24 clarify those three issues and come to agreement.

25 Mr. Rouse asked whether the Committee was coming

1 before the Board to see if they are okay with
2 pursuing the avenue of the fictitious names as a way
3 to address mobile vans, because it is more general.
4 He noted that there is nothing specific about the
5 Board's authority in terms of mobile vans, noting the
6 statute in The Dental Law refers to fictitious names.

7
8 Mr. Rouse explained that a fictitious name must be
9 registered with the Board and includes a fee. He
10 further explained that a fictitious name requires a
11 dental facility to register, but the term "dental
12 facility" is not defined in their regulations. He
13 noted that one of the recommendations that came out
14 at the Committee meeting was to define dental
15 facility in a general way, which includes mobile
16 vans.

17 Mr. Rouse stated there are a number of areas that
18 reference dental facilities in their regulations but
19 are not defined. He explained that one avenue is to
20 define it to include mobile vans wherever there is
21 something that says "dental facilities" or having a
22 central general provision that makes it clear that
23 the standard of care for a brick-and-mortar dental
24 facility should be the same as the mobile van.

25 Ms. Fowler noted that the Committee agreed that

1 they would be able to proceed and develop regulations
2 under existing authority with Mr. Rouse's assistance,
3 and having a legislative initiative in order to
4 provide regulatory guidance to those practices would
5 not be necessary.

6 Ms. Fowler addressed discussion at the Committee
7 meeting concerning ownership and whether it
8 should be restricted to particular individuals or be
9 restricted to nonprofit organizations and was agreed
10 upon that there should not be restrictions, where a
11 hospital that owns and operates a mobile van would be
12 permitted to have ownership, along with an individual
13 or a nonprofit.

14 Ms. Fowler explained that the difference would be
15 in terms of the people who would be using the
16 practice site and would have to be licensed dentists,
17 dental hygienists, and so forth but did not believe
18 the ownership itself should be restricted.

19 Ms. Fowler addressed service areas, where the
20 Committee believed the Board did not have the
21 authority to restrict it and noted discussion about
22 whether it should be limited to the operation of
23 dental vans and be limited to areas that are
24 certified as professional shortage areas.

25 Ms. Fowler referred to comments by Dr. Mountain

1 and Helen Hawkey, where just because there might be a
2 density of dentists in a particular area does not
3 mean that those dentists are accessible to everyone
4 who needs it, whether it is an issue of insurance or
5 ability to pay. She noted the Committee believed
6 there should not be restrictions placed on where the
7 mobile facilities would be able to operate, except
8 that they must comply with local jurisdictional rules
9 and regulations.

10 Dr. Arndt commented that the public health
11 hygienists can work unsupervised with the dentist in
12 areas of need, noting there would have to be a
13 delineation.

14 Dr. Arndt explained that the Board would not want
15 to restrict a hygienist to work with a dentist in a
16 mobile situation in an area that may not be defined
17 as an in-need area but would have to have direct
18 dental supervision and be employed to go into that
19 type of area.

20 Ms. Murray stated public health hygienists can
21 practice within certain settings but do not
22 necessarily have to be in a shortage area and can
23 work in medical and school settings. She believed
24 they can take those mobile pieces into those settings
25 as well but would not want something new to be

1 misunderstood, where a public health hygienist cannot
2 go somewhere because they are not supposed to go
3 there.

4 Dr. Arndt explained that the intent was to make
5 sure whether it is legal or not legal at this point
6 to have a public health hygienist come in a mobile
7 van and park across the street from another doctor's
8 office and start providing services to make it fair
9 for everybody.

10 Ms. Fowler explained that the Committee was not
11 proposing any changes to scope of practice or
12 practice settings. She noted it to be clear in the
13 regulations that public health dental hygienists'
14 scope of practice and practice settings include
15 particular institutions, nursing homes, and schools,
16 which they never considered changing.

17 Ms. Fowler further explained that the basic
18 premise was to provide guidance to assure that the
19 settings are equally careful and protective of public
20 health, and the standards of practice are identical
21 no matter where people are practicing.

22 Dr. Warwick expressed concern with dental
23 practices or any treatment performed where there may
24 be issues and the importance of not abandoning that
25 patient once the van leaves the location. She

1 believed there should be a safeguard to protect the
2 public and asked how they would address follow-up
3 care.

4 Dr. Arndt explained that all of the requirements
5 were listed in terms of follow-up care that has to be
6 part of the whole regulation, including electronic
7 records and being able to transfer records, along
8 with having emergency care 24 hours a day. He noted
9 the follow-up care was in the literature that was
10 thought to have been passed out last Friday to Board
11 members.

12 Mr. Jarabeck referred to Mr. Rouse's comments
13 concerning registration and making sure they would be
14 able to follow an individual and continuity of care
15 in terms of records. He noted those things happen
16 now with brick-and-mortar practices, where they go
17 out of business and lose the ability to track and
18 find the records.

19 Mr. Jarabeck again referred to Mr. Rouse's
20 comments, where they should have the same
21 registration process to be able to follow the trail.
22 He mentioned that it does not currently exist, and
23 there are no other areas where they can really expand
24 on what exists in terms of saying a mobile dental
25 practice must have X, Y, and Z when they do not

1 necessarily say that or have the power to say that
2 about a brick-and-mortar facility.

3 Mr. Jarabeck explained that keeping it in a tight
4 form with registration helps them be able to see
5 where somebody is and enable them to find records and
6 practitioners. He commented that he was glad to hear
7 that the prior talk about restrictions does not seem
8 to be part of this and referred to the North Carolina
9 Board and the Federal Trade Commission, noting it to
10 be a place to avoid any level of regulation.

11 Ms. Fowler mentioned being mindful of that,
12 noting some of the materials from other states
13 captured a lot of the information on the application
14 process, including a permanent address and telephone
15 number.

16 Ms. Fowler also noted being aware that one of the
17 differences between mobile dentistry and a brick-and-
18 mortar practice is that the van goes away, so if a
19 patient has a problem after treatment the same day or
20 later that the owners and operators of the van would
21 need to address that in the application process as
22 far as who someone can call or getting assistance in
23 the event of an emergency or as far as a violation.

24 Ms. Fowler believed they could achieve that by
25 being part of the application process once the

1 registration is resting in the existing regulations,
2 particularly under fictitious means. She mentioned
3 that vans, hospitals, and private individuals are
4 already providing services with no regulation and
5 believed this to be in the best interest of the
6 safety of the public to have some guidance through
7 which they can hold practitioners accountable.

8 Dr. Warwick asked what would stop a van from
9 going into a community where they had better
10 insurance plans and could make more money instead of
11 underserved areas.

12 Mr. Rouse explained that there is really not much
13 the Board can regulate with its current authority and
14 whether they want to go down that route or the other
15 piece, where the legislature would have to add to the
16 Board's authority in The Dental Law.

17 Mr. Rouse stated the Board could direct Board
18 Counsel to draft a proposed annex so that the Board
19 can have something to look at based on the
20 discussions of the Committee and the review of what
21 other states have done with their regulations for
22 everyone to be able to look at something.

23 Mr. Rouse stated it also gives Board Counsel a
24 chance to look at all of the different sections of
25 the regulations and how they relate to each other,

1 along with providing the opportunity for a full
2 discussion and review as to whether additional
3 language may be needed somewhere.

4 Dr. Arndt and Ms. Fowler agreed to direct Board
5 Counsel to prepare something that everybody could
6 review.]

7 CHAIR SULLIVAN:

8 Do we have a motion?

9 DR. ARNDT:

10 I make such a motion.

11 CHAIR SULLIVAN:

12 Do I have a second?

13 MS. FOWLER:

14 I will second.

15 CHAIR SULLIVAN:

16 Roll call vote, please.

17

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

23 [The motion carried. Brian Wyant experienced
24 technical difficulties and did not vote on the
25 motion.]

1 ***

2 Report of Committees - Scope of Traditional and
3 Emerging Practice Committee - No Report

4 ***

5 Report of Committees - Probable Cause Screening
6 Committee - No Report

7 ***

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

10 ***

11 Adjournment

12 CHAIR SULLIVAN:

13 Do I have a motion to adjourn?

14 MS. MURRAY:

15 I make that motion.

16 ACTING COMMISSIONER CLAGGETT:

17 Second.

18 CHAIR SULLIVAN:

19 Thank you everyone. The next meeting
20 will be held November 14.

21 ***

22 [There being no further business, the State Board of
23 Dentistry Meeting adjourned at 12:20 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.



Madeline Helmstetter,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF DENTISTRY
REFERENCE INDEX

September 13, 2024

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8	9:00	Executive Session
9	11:00	Return to Open Session
10		
11	11:01	Official Call to Order
12		
13	11:02	Roll Call
14		
15	11:02	Introduction of Attendees
16		
17	11:06	Approval of Minutes
18		
19	11:09	Report of Prosecutorial Division
20		
21	11:34	Report of Board Counsel
22		
23	11:39	Review of Applications
24		
25	11:39	Report of Board Counsel (cont.)
26		
27	11:53	Report of Committees
28		
29	12:20	Adjournment
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