

AGENDA
CONNECTICUT STATE DENTAL COMMISSION

Wednesday, June 8, 2022 at 1:00 PM
Department of Public Health
410 Capitol Avenue, Hartford Connecticut

CALL TO ORDER

I. MINUTES

January 26, 2022

II. NEW BUSINESS

Assign Hearing Panel / schedule Hearing date

Alison M. Nicholes, DMD – Petition No. 2021-106

III. OFFICE OF LEGAL COMPLIANCE

A. Stephen Wolpo, D.D.S. - Petition No. 2019-83

Presentation of Consent Order – Aden Baume, Staff Attorney, DPH

ADJOURN

This meeting will be held REMOTELY.

State Dental Commission via Microsoft Teams

Join on your computer or mobile app

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The following minutes are draft minutes which are subject to revision and which have not yet been adopted by the Board.

**CONNECTICUT STATE DENTAL COMMISSION
MINUTES OF MEETING
January 26, 2022**

The Connecticut State Dental Commission held a meeting on January 26, 2021.

COMMISSION MEMBERS PRESENT: Peter Katz, DMD, Chairman
Sarita Arteaga, DMD
Monica Cipes, DMD
Deborah Dodenhoff, RN
Craig Fontaine, Esq.
Mark Longobardi, DMD
Anatoliy Ravin, DDS

COMMISSION MEMBERS ABSENT: Barbara Ulrich

ALSO PRESENT: Olinda Morales, Hearing Office, DPH (Counsel for the Commission)
Jeffrey Kardys, Administrative Hearings Specialist, DPH

Dr. Katz called the meeting to order at 1:01 p.m. All participants were present via the Microsoft TEAMS application.

I. MINUTES

The minutes from the December 8, 2021 meeting were reviewed approved on a motion by Dr. Ravin.

II. OFFICE OF LEGAL COMPLIANCE

A. Jeffrey Cavaleri, D.D.S. - Petition No. 2019-1182

Linda Fazzina, Staff Attorney, Department of Public Health presented a Consent Order in this matter. Respondent and his counsel were not present.

Dr. Katz made a motion, seconded by Dr. Ravin, to approve the Consent Order which imposes a reprimand, a six month period of probation, and a \$500.00 civil penalty. The motion passed with all in favor except Mr. Fontaine who recused himself.

Dr. Arteaga arrive at 1:07 p.m.

III. NEW BUSINESS

A. Declaratory Ruling

Requirements for Use of Unattended Cardiorespiratory Portable Monitors, a/k/a Portable Monitors, to Aid in Diagnosis and Treatment of Sleep Apnea

Assistant Attorney General Kerry Colson was present for this discussion. Dr. Katz made a motion, seconded by Dr. Cipes, to adopt the Proposed Declaratory Ruling which determines the following:

- It is within a dentist's scope of practice to dispense portable monitors, when ordered by physicians for patients at risk for sleep apnea, and the test results are provided to the physician for interpretation and diagnosis.
- It is not within a dentist's scope of practice to order portable monitors for patients identified by the dentist as being at risk for sleep apnea and the test results are provided to the physician for interpretation and diagnosis, without a request by a physician
- It is within a dentist's scope of practice to use a portable monitor to help determine the optimal effective position of a patient's oral appliance, provided the dentist is properly trained.

- If the dentist is not appropriately trained in the use of, and does not use a portable monitor to determine optimal effective position of a patient's oral appliance, it is not within the dentist's scope of practice to order a portable monitor to verify the effectiveness of the oral appliance when the test results are provided to a physician for interpretation and therapeutic effectiveness is determined by a physician.

The motion passed with all in favor except Mr. Fontaine who abstained. The Proposed Ruling will be forwarded to the Commissioner of the Department of Public Health for review and approval.

IV. ADJOURN

As there was no further business the meeting was adjourned at 1:36 p.m.

Respectfully submitted,
Peter Katz, DMD - Chairman
Connecticut State Dental Commission

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Alison M. Nicholes, DMD

Petition No. 2021-106

STATEMENT OF CHARGES

Pursuant to Connecticut General Statutes §§19a-10 and 19a-14, the Department of Public Health ("Department") brings the following charges against Alison M. Nicholes, DMD:

1. Alison M. Nicholes, of Hebron, Connecticut ("respondent") is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut dental license number 009916.
2. From approximately July 7, 2020 through October 26, 2020, respondent provided dental care for patient #1.
3. During the above-referenced time, respondent deviated from the standard of care by failing to fully document and/or maintain adequate dental records for patient #1.
4. The above-described facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-114(a)(2).

THEREFORE, the Department prays:

The Connecticut State Dental Commission, as authorized in Connecticut General Statutes §§19a-17 and 20-114, revoke or order other disciplinary action against respondent's dental license as it deems appropriate and consistent with law.

Dated at Hartford, Connecticut this 9th day of May 2022.



Christian D. Andresen, MPH, CPH, Section Chief
Practitioner Licensing & Investigations Section
Healthcare Quality and Safety Branch

CONSENT ORDER COVER SHEET

In re: Stephen Wolpo, D.D.S..

Petition No. 2019-83

1. Stephen Wolpo, D.D.S., of Stamford, Connecticut (hereinafter "respondent") was issued license number 006952 to practice dentistry on October 4, 1986. He graduated from the New York University School of Dentistry in 1986
2. Respondent has no past disciplinary history.
3. The Department opened this petition after receiving a complaint from a former patient ("Patient 1"), for which respondent provided dental care from September 1, 2017 through November 9, 2018. During the course of his care for Patient 1, he made examinations and radiographic images; prepared and extracted various teeth; and constructed, placed, and adjusted dentures.
4. The Department alleges respondent's care for Patient 1 failed to meet the standard of care in one or more of the following ways:
 - a. His clinical notes are inadequate and/or inconsistent;
 - b. He made no periodontal examination, or an incomplete periodontal examination, to support his diagnosis of "advanced gum disease";
 - c. He failed to make adequate preparation for a cast metal mandibular partial denture;
 - d. He failed to make adequate preparation for a maxillary complete denture;
 - e. He fabricated a final partial denture using technique for an interim partial denture
 - f. He fabricated a maxillary complete denture using technique for a maxillary immediate denture) and/or
 - g. He failed to provide Patient 1 with adequate information for informed consent.
5. The proposed Consent Order provides for:
 - a. A reprimand;
 - b. Civil penalty of one thousand five hundred dollars (\$1,500.00); and
 - c. One year probation with:
 - i. Coursework in clinical documentation, periodontal examination, preparation and fabrication of dentures
 - ii. Monthly supervisor record review and reports
6. The Department and respondent respectfully request that the Commission accept the proposed Consent Order to resolve this petition.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH
STATE DENTAL COMMISSION**

In re: Stephen Wolpo, D.D.S.

Petition No. 2019-83

CONSENT ORDER

WHEREAS, Stephen Wolpo, D.D.S., of Stamford, Connecticut (hereinafter "respondent") has been issued license number 006952 to practice as a dentist by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 384 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. Respondent provided dental care to Patient 1 on various occasions from on or about September 1, 2017 through on or about November 9, 2018. During the course of his care for Patient 1, he made examinations and radiographic images; prepared and extracted various teeth; and constructed, placed, and adjusted dentures.
2. Respondent's care for Patient 1 failed to meet the standard of care in one or more of the following ways:
 - a. His clinical notes are inadequate and/or inconsistent;
 - b. He made no periodontal examination, or an incomplete periodontal examination, to support his diagnosis of "advanced gum disease";
 - c. He failed to make adequate preparation for a cast metal partial denture;
 - d. He failed to make adequate preparation for a maxillary complete denture;
 - e. He fabricated a final partial denture using technique for an interim partial denture;and/or
 - f. He failed to provide Patient 1 with adequate information for informed consent.

2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-114.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the State Dental Commission (hereinafter "the Commission"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14, and 20-114 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17, and 20-114 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives respondent's right to a hearing on the merits of this matter.
2. Respondent's license number 006952 to practice as a dentist in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of one thousand five hundred dollars (\$1,500.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent's license shall be placed on probation for a period of twelve months under the following terms and conditions:
 - a. Respondent shall obtain at respondent's own expense, the services of a licensed dentist in current practice, pre-approved by the Department (hereinafter "supervisor"), to conduct a monthly random review of twenty percent (20%) respondent's records for current patients. In the event respondent has fewer than twenty such patients, the supervisor shall review each such patient's records.
 - (1) Respondent shall provide a copy of this Consent Order to respondent's practice supervisor. Respondent's supervisor shall furnish written confirmation to the Department of the supervisor's engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.

- (2) Respondent's supervisor shall conduct such review and meet with respondent not less than once every three months for the entire probationary period.
 - (3) The supervisor shall have the right to monitor respondent's practice by any other reasonable means which the supervisor deems appropriate. Respondent shall fully cooperate with the supervisor in providing such monitoring.
 - (4) Respondent shall be responsible for providing written supervisor reports directly to the Department not less than once every three months for the entire probationary period. Such supervisor's reports shall include documentation of dates and duration of meetings with respondent, number and a general description of the patient records and patient medication orders and prescriptions reviewed, additional monitoring techniques utilized, and statement as to whether respondent is practicing with reasonable skill and safety and in accord with standards of documentation. A supervisor report indicating that respondent is not practicing with reasonable skill and safety and in accord with standards of documentation shall be deemed to be a violation of this Consent Order.
 - b. Within the first four months of the probationary period, respondent shall successfully complete coursework in: (a) clinical documentation; (b) periodontal examination; and (c) preparation and fabrication of dentures, pre-approved by the Department. Within fifteen days of the completion of such coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such course(s).
5. All correspondence and reports are to be addressed to:
- Lavita Sookram, R.N., Nurse Consultant
Practitioner Compliance and Monitoring Unit
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308
6. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
7. Respondent shall comply with all state and federal statutes and regulations applicable to respondent's licensure.

8. Respondent shall pay all costs necessary to comply with this Consent Order.
9. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 9.a.above to demonstrate to the satisfaction of the Department that respondent has complied with the terms of this Consent Order or, in the alternative, that respondent has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notification of violation to the satisfaction of the Department, respondent shall be entitled to a hearing before the Commission which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Commission by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
10. In the event respondent does not practice as a dentist for periods of thirty (30) consecutive days or longer, respondent shall notify the Department in writing. Such periods of times shall not be counted in reducing the probationary period covered by this Consent Order and such terms shall be held in abeyance. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order. In the event respondent resumes practice as a physician and surgeon, respondent shall provide the Department with thirty (30) days prior written notice. Respondent shall not return to practice as a dentist without written pre-approval from the Department. Respondent agrees that the Department, in its complete discretion, may require additional documentation from respondent and/or require respondent to satisfy other conditions or terms as a condition precedent to respondent's return to practice. Respondent agrees that any return to practice as a dentist without pre-approval from the Department shall constitute a violation of this Consent Order and may subject the respondent to further disciplinary action.

11. If, during the period of probation, respondent practices as a dentist outside Connecticut, respondent shall provide written notice to the Department concerning such practice. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved by the Department. In the event respondent intends to return to practice as a dentist in Connecticut, respondent shall provide the Department with thirty (30) days prior written notice and agrees to comply with all terms and conditions contained in paragraph 4 above.
12. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's license before the Commission.
13. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
14. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Commission.
15. This Consent Order is a public document. Respondent understands and agrees that the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Commission in which respondent's compliance with this Consent Order or with §20-13c of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank maintained by the United States Department of Health and Human Services, and that all disciplinary actions will appear on respondent's physician profile pursuant to Connecticut General Statutes 20-13j.
16. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a dentist, upon request by the Department, with notice to the Commission, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall

constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered by the Commission and shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Commission has complete and final discretion as to whether a summary suspension is ordered.


17. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
18. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent agrees that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to §4-181a of the General Statutes of Connecticut without the express consent and agreement of the Department. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that respondent may have under the laws of the State of Connecticut or of the United States.
19. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
20. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Commission. Respondent understands that the Commission has complete and final discretion as to whether this executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Commission's discussions regarding whether to approve or reject this Consent Order and/or a Commission member's participation during this process, through the Commission member's review or comments, including but not limited to bias or reliance on evidence outside the administrative record

if this matter proceeds to a hearing on a statement of charges resulting in a proposed decision by the Commission and/or a panel of the Board and a final decision by the Commission.

21. Respondent has the right to consult with an attorney prior to signing this document.
22. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
23. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

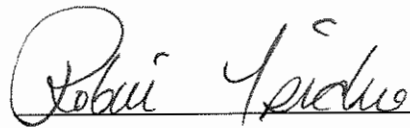
* * * * *

I, Stephen Wolpo, D.D.S., have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.


Stephen Wolpo, D.D.S..

Subscribed and sworn to before me this 19th day of April 2022.

ROBIN ISIDRO
NOTARY PUBLIC
MY COMMISSION EXPIRES 12/31/2023



Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 26th day of April 2022, it is hereby accepted.



Christian D. Andresen, M.P.H., C.P.H., Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut State Dental Commission on the _____ day of _____ 2022, it is hereby ordered and accepted.

Peter Katz, D.D.S. Chairperson
Connecticut State Dental Commission