

**Connecticut State Dental Commission
MINUTES OF MEETING**

February 1, 2006

The Connecticut State Dental Commission held a meeting on February 1, 2006, at the Department of Public Health, 410 Capitol Avenue, Conference Room F, Second Floor, Hartford, Connecticut.

COMMISSION MEMBERS PRESENT: Martin J. Rutt, DDS, Chairman
 Gerald Birmingham, DMD, MPH
 Corrie Sadler
 Robert Friedman, DDS
 Peter Katz, DMD
 Jeanne P. Strathearn, DDS

COMMISSION MEMBERS ABSENT: Merrill Marks

The meeting was called to order at by Dr. Rutt at 1:05 p.m.

I. Minutes

The minutes of the November 28, 2005 meeting were reviewed. Dr. Strathearn made a motion seconded by Dr. Friedman, to approve the minutes. The motion passed unanimously.

II. New Business

Proposed Memorandum of Decision

David Corey Patterson, DDS - Petition No. 2004-1021-002-086

Assistant Attorney General Patrick Kwanashie was present to provided counsel to the Commission. Staff Attorney Ellen Shanley was present for the Department of Public Health, Attorney Averi Miles was present with Dr. Patterson.

The Commission oral argument from Attorney Shanley in favor of the proposed Memorandum of Decision and from Attorney Miles in opposition.

Dr. Strathearn made a motion, seconded by Dr. Friedman, to enter executive session to obtain legal advice from the Assistant Attorney General. The motion passed unanimously.

The Commission entered executive session from 1:48 p.m. to 1:58 p.m.

Following executive session Dr. Friedman made a motion, seconded by Dr. Birmingham, to adopt the Memorandum of Decision. The motion passed with Dr. Friedman, Dr. Birmingham, Ms. Sadler and Dr. Katz voting in favor. Dr. Strathearn and Dr. Rutt were opposed

Dr. Rutt signed the order.

III. Legal Office Business

A. Jean Lafayette, DDS – Petition No. 2005-0616-002-051

Stanley Peck, Section Chief, Legal Office, Department of Public Health, presented a Consent Order in the matter of Jean Lafayette, DDS. Neither Dr. Lafayette nor her attorney was present.

Dr. Friedman made a motion, seconded by Dr. Strathearn, to approve the Consent Order. The motion passed unanimously. Dr. Rutt signed the Order.

B. George Mantikas, DDS – Petition No. 2004-1119-002-093

Stanley Peck, Section Chief, Legal Office, Department of Public Health, presented a Consent Order in the matter of George Mantikas, DDS. Dr. Mantikas was neither present nor represented.

Dr. Strathearn made a motion, seconded by Dr. Birmingham, to approve the Consent Order. The motion passed unanimously. Dr. Rutt signed the Order.

C. Ginger Pollack DMD – Petition No. 2004-0712-002-056

Stanley Peck, Section Chief, Legal Office, Department of Public Health, presented a Consent Order in the matter of Ginger Pollack DMD. Neither Dr. Pollack nor her attorney was present.

Dr. Strathearn made a motion, seconded by Dr. Birmingham, to approve the Consent Order. The motion passed unanimously. Dr. Rutt signed the Order.

IV. Old Business

A. Regional Clinical Skills Examinations /American Board of Dental Examiners

Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations was present for this discussion. Ms. Filippone reported that the Department sent a letter to the American Board of Dental Examiners (ADEX) applying for voting membership in ADEX and that the New England Regional Board of Dental Examiners (NERB) will continue to administer the clinical examination with the cooperation of the ADEX. The letter also informed ADEX that that the Department and the Commission will recognize a clinical examination for licensure approved by the ADEX and adopted by the New England Regional Board of Dental Examiners (NERB) for candidates for licensure who have taken an examination uniformly administered by another regional testing agency.

Dr. Rutt made a motion, seconded by Dr. Strathearn to recommend to the Department that former Commission Chairman, Roger Ostrander, Jr., DMD, be designated as Connecticut's member representative to ADEX. The motion passed unanimously.

V. Adjourn

Ms. Sadler made motion, seconded by Dr. Strathearn, to adjourn the meeting. The motion passed unanimously, and the meeting adjourned at 2:20 p.m.

Connecticut State Dental Commission
MINUTES OF MEETING
April 19, 2006

The Connecticut State Dental Commission held a meeting on April 19, 2006, at the Department of Public Health, 410 Capitol Avenue, Conference Room F, Second Floor, Hartford, Connecticut.

COMMISSION MEMBERS PRESENT: Martin J. Rutt, DDS, Chairman
 Gerald Birmingham, DMD, MPH
 Corrie Sadler
 Robert Friedman, DDS
 Peter Katz, DMD
 Merrill Marks
 Steven Reiss, DDS
 Jeanne P. Strathearn, DDS

COMMISSION MEMBERS ABSENT: None

Dr. Rutt called the meeting to order at 1:17 p.m.

Dr. Reiss was welcomed to his first meeting as a member of the Commission.

I. Minutes

The minutes of the February 1, 2006 meeting were reviewed. Dr. Strathearn made a motion seconded by Dr. Katz, to approve the minutes. The motion passed unanimously.

II. Legal Office Business

A. David Corey Patterson, DDS – Petition No. 2005-1222-002-083

Ellen Shanley, Staff Attorney, Department of Public Health presented a Motion to Withdraw Statement of Charges in the matter of David Corey Patterson, DDS. Attorney Shanley explained that the Department was withdrawing the Statement of Charges in light the revocation of Dr. Patterson's dentist license, which was ordered pursuant to a Memorandum of Decision, dated February 1, 2006.

Dr. Strathearn made a motion, seconded by Dr. Katz, to grant the motion to withdraw the Statement of Charges. The motion passed unanimously. Dr. Rutt signed the Order.

B. Jeffrey Cavalieri, DMD - Petition No. 2004-0908-002-070

Ellen Shanley, Staff Attorney, Department of Public Health, presented a Consent Order in the matter of Jeffrey Cavalieri, DMD. Neither Dr. Cavalieri nor his attorney was present. Dr. Strathearn made a motion, seconded by Dr. Friedman, to approve the Consent Order. The motion passed unanimously. Dr. Rutt signed the Order

Stanley Peck, Section Chief, Legal Office, Department of Public Health reported on proposed legislation, Bill #5718, that would establish a program fro impaired health care professionals.

C. Steven Lakes, DMD - Petition No. 2003-0715-002-047

Stanley Peck, Section Chief, Legal Office, Department of Public Health, presented a Consent Order in the matter of Steven Lakes, DMD. Neither Dr. Lakes nor his attorney was present.

Dr. Strathearn made a motion, seconded by Mr. Marks, to approve the Consent Order. The motion passed unanimously. Dr. Rutt signed the Order

III. New Business

Provisional License Application – Buthaina Dashti, DDS

A provisional license application for Buthaina Dashti, DDS was presented by Debbie Brown, Health Program Assistant, Department of Public Health.

Dr. Strathearn made a motion, seconded by Dr. Birmingham, to recommend rejection of the provisional license application of Dr. Dashti because the applicant's qualifications do not meet the criteria for a provisional license. The Commission commented that the applicant must pass a clinical skills examination and then reapply for the provisional licensure. The motion passed unanimously.

Provisional License Application – Guy Huynh-Ba, DDS

A provisional license application for Guy Huynh-Ba, DDS was presented by Debbie Brown, Health Program Assistant, Department of Public Health.

Dr. Strathearn made a motion, seconded by Dr. Katz, to recommend rejection of the provisional license application of Dr. Huynh-Ba because the applicant's qualifications do not meet the criteria for a provisional license. The Commission commented that the applicant needs to pass the National Board examination and a clinical skills examination prior to reapplying for provisional licensure. The motion passed with all in favor except Dr. Friedman, Dr. Birmingham and Ms. Sadler who were opposed to rejection of the application.

Dr. Birmingham commented that he would like to see information from the Department of Public Health licensing office as to the qualifications of past applicants for provisional license who had their applications denied by the Commission.

License Reinstatement Application – Teresa Bunn, DDS

A license reinstatement application for Teresa Bunn, DDS was presented by Debbie Brown, Health Program Assistant, Department of Public Health.

Dr. Strathearn made a motion, seconded by Dr. Birmingham, to recommend approval of Dr. Bunn's reinstatement application. The motion passed unanimously.

IV. ASSIGN HEARING PANEL

Douglas Macko, DMD – Petition No. 2005-0310-002-018

The Board reviewed the Statement of Charges in that matter of Douglas Macko, DMD. Dr. Rutt, Mr. Marks and Dr. Reiss will comprise the hearing panel in this matter. The Board Liaison will coordinate scheduling of the hearing.

V. ADDITIONAL AGENDA ITEMS

Dr. Rutt requests that at the next Commission meeting, there be discussion with the Department of Public Health as to developing an informational letter that would be sent to all Connecticut licensed Dentists explaining the role of the Commission and the Department of Public Health and addressing areas of misconduct and/or substandard care that may subject a practitioner to licensure disciplinary action

VI. Adjourn

Ms. Sadler made motion, seconded by Dr. Strathearn, to adjourn the meeting. The motion passed unanimously, and the meeting adjourned at 1:55 p.m.

Martin J. Rutt, DDS
Connecticut State Dental Commission

Connecticut State Dental Commission
MINUTES OF MEETING
September 27, 2006

The Connecticut State Dental Commission held a meeting on September 27, 2006, at the Department of Public Health, 410 Capitol Avenue, Conference Room F, Second Floor, Hartford, Connecticut.

COMMISSION MEMBERS PRESENT: Martin J. Rutt, DDS, Chairman
 Gerald Birmingham, DMD, MPH
 Robert Friedman, DDS
 Peter Katz, DMD
 Steven Reiss, DDS
 Jeanne P. Strathearn, DDS
 Barbara Ulrich

COMMISSION MEMBERS ABSENT: Merrill Marks

Dr. Rutt called the meeting to order at 1:30 p.m.

Ms. Ulrich was welcomed to her first meeting as a member of the Commission, and it was noted that Corrie Sadler had recently resigned from the dental commission and from the Northeast Regional Board.

I. Minutes

The minutes of the April 19, 2006 meeting were reviewed. Dr. Friedman made a motion seconded by Dr. Strathearn, to approve the minutes. The motion passed unanimously.

II. Legal Office Business

A. Robert Zborowski, DDS – Petition No. 2000-0315-002-017

David Tilles, Staff Attorney, Department of Public Health presented a Motion to Withdraw Statement of Charges in the matter of Robert Zborowski, DDS. Attorney Tilles explained the reasons why the Department was asking for withdrawal of the Statement of Charges.

Dr. Strathearn made a motion, seconded by Dr. Friedman, to grant the motion to withdraw the Statement of Charges. The motion passed unanimously. Dr. Rutt signed the Order.

B. Ralph Membrino, DMD - Petition No. 2004-0416-002-028

Roberta Swafford, Staff Attorney, Department of Public Health, presented a Consent Order in the matter of Ralph Membrino, DMD. Dr. Membrino was present with Attorney Maureen Dinnan.

Dr. Strathearn made a motion, seconded by Dr. Birmingham, to approve the Consent Order. The motion passed unanimously. Dr. Rutt signed the Order.

C. Alan Nath, DDS - Petition No. 2005-0509-002-034

Stanley Peck, Section Chief, Legal Office, Department of Public Health, presented a Consent Order in the matter of Alan Nath, DDS. Dr. Nath was represented by Attorney Maureen Dinnan. Dr. Strathearn made a motion, seconded by Dr. Birmingham, to approve the Consent Order. The motion passed unanimously. Dr. Rutt signed the Order.

D. Nancy Cromwell, DMD - Petition No. 2004-0302-002-010

Attorney Maureen Dinnan on behalf of Nancy Cromwell, DMD presented a motion to withdraw the probation of Dr. Cromwell's dental license. Dr. Cromwell was present. Stanley Peck, Section Chief, Legal Office, was present on behalf of the Department of Public Health and indicated the Department did not object to the motion.

Dr. Strathearn made a motion, seconded by Ms. Ulrich, to approve the motion. The motion passed unanimously.

E. Pablo Cuevas, DDS - Petition No. 2006-0818-002-063

Stanley Peck, Section Chief, Legal Office, Department of Public Health, presented a Consent Order in the matter of Pablo Cuevas, DDS. Dr. Cuevas was present with Attorney Maureen Dinnan.

Dr. Strathearn made a motion, seconded by Dr. Birmingham, to approve the Consent Order. The motion passed with all in favor except Dr. Friedman who was recused. Dr. Rutt signed the Order.

F. Asif Yakubov, DDS - Petition No. 2005-1123-002-076

David Tilles, Staff Attorney, Department of Public Health, presented a Consent Order in the matter of Asif Yakubov, DDS. Neither Dr. Yakubov nor his attorney was present.

Dr. Strathearn made a motion, seconded by Dr. Reiss, to approve the Consent Order. The motion passed unanimously. Dr. Rutt signed the Order.

G. David DeLeo, DMD - Petition No. 2005-0224-002-015

Matthew Antonetti, Principal Attorney, Department of Public Health, presented a Consent Order in the matter of Asif Yakubov, DDS. Neither Dr. DeLeo was not present or represented.

Dr. Strathearn made a motion, seconded by Birmingham, to approve the Consent Order. The motion passed unanimously. Dr. Rutt signed the Order.

III. New Business

A. Bleaching of teeth in hair salons

The Department of Public Health is currently reviewing issues involving dental hygienist and/or dental assistants performing teeth bleaching in hair salons. Jennifer Filippone, Section Chief, Office of Practitioner Licensing and Investigations reported that one issue in particular has been referred to the investigations unit by the Assistant Attorney General. Ms. Filippone reported that upon further review of this issue, the Department may ask the Commission for a Declaratory Ruling as to whether the tasks in question are the practice of dentistry. Dr. Rutt responded that a Declaratory Ruling was not necessary. Chapter 379 and 379(a) are very clear as to what dental procedures assistants and/or hygienists can or cannot do, and he would be happy to help clear up any confusion. In addition, he noted that this case does not involve direct or indirect supervision by a dentist, but in fact this is totally unsupervised by any dentist. This in itself is practicing dentistry without a license and the person(s) in question should be reported to the police for breaking the law. Dr. Rutt also noted that the complaint he filed with the Assistant Attorney General is already two months old and no action has been taken on it by the Department. Attorney Stan Peck and Jennifer Filippone noted that it takes time to do a full investigation. Dr. Birmingham requested that the Department provide the full investigatory report to the commission at the next meeting. The Department agreed to provide an update at the December 2006 meeting

B. Provisional License Application – Zheng Xu, DMD

A provisional license application for Zheng Xu, DMD was presented by Debbie Brown, Health Program Assistant, Department of Public Health. Ms. Brown clarified the issue that the provisional licensure applicant requires “exceptional qualifications”, as approved by the dental commission.

The Commission noted that this applicant has not completed Part II of the National Board Examination and has not completed any clinical skills examination. Dr. Rutt questioned why this application was being presented to the Commission in that it did not appear that the applicant had exceptional qualifications.

Jennifer Filippone, Section Chief, Office of Practitioner Licensing and Investigations commented that the Department of Public Health, with the assistance of the Commission, could promulgate regulations to define exceptional qualifications as it applies to provisional applicants and/or also define the minimal acceptable qualifications for provisional licensure.

Ronald Skinner, DMD, Director of Clinical Operations, University of Connecticut School of Dental Medicine spoke as to Dr. Xu's qualifications as they apply to the academic arena and her duties at the dental school. Dr. Mina, from the University of Connecticut School of Dental Medicine also spoke with respect to Dr. Xu's qualifications and academic duties at the dental school. Dr. Rutt questioned that if this individual applicant is to serve on the faculty at the dental school to teach dentistry to future dentists, should they not be able to demonstrate the basic minimal licensure requirements of passing both parts of the National Board Examination and any clinical skills exam, before one can begin to demonstrate additional "exceptional" qualifications to the dental commission.

Dr. Strathearn made a motion, seconded by Birmingham, to enter executive session to obtain legal advice from Assistant Attorney General Richard Lynch and Assistant Attorney General Daniel Shapiro. The motion passed unanimously. The Commission entered executive session from 2:30 p.m. until 2:40 p.m.

Following executive session, Dr. Rutt made a statement for the record. He stated that the dental commission will continue to follow the statute and review each provisional licensure application on a case-by-case basis to determine the "exceptional" qualifications. He further stated that although there are no specific requirements for being exceptional, the applicant's academic record, along with the test scores for both the National Examinations and any clinical skills examinations will continue to carry the appropriate weight for potential approval by the commission. In addition he stated that the dental commission in the future would be willing to consider working with the Department on the possibility of establishing regulations with respect to provisional licensure. Dr. Strathearn made a motion, seconded by Dr. Friedman, to recommend approval of Dr. Xu for provisional licensure. The motion passed with all in favor except Dr. Rutt who was opposed.

C. Provisional License Application – Johanna Musco, DDS

A provisional license application for Johanna Musco, DDS was presented by Debbie Brown, Health Program Assistant, Department of Public Health.

Dr. Strathearn made a motion, seconded by Ms. Ulrich, to recommend approval of the provisional license application of Dr. Musco.

Dr. Birmingham and Dr. Rutt commented that Dr. Musco's application should be denied based on evidence of Dr. Musco's failing grades in dental school and the lack of evidence of passing any national or regional examinations.

Commission members voted unanimously to oppose the motion to approve the provisional license application of Dr. Musco.

D. Licensure Statistics

Stephen Carragher, Health Program Supervisor, Department of Public Health provided the Commission with a handout listing the licensure statistics for the calendar year 2006 to date as required annually under Section 20-110.

E. Administrative Hearing Process

Assistant Attorney General Richard Lynch and Assistant Attorney General Daniel Shapiro provided the Commission with an overview of the Administrative Hearing Process including Commission member responsibilities and conduct, expert testimony, review of evidence and testimony, and fact-finding.

IV. Adjourn

Dr. Friedman made motion, seconded by Dr. Strathearn, to adjourn the meeting. The motion passed unanimously, and the meeting adjourned at 3:15 p.m.

Martin J. Rutt, DDS
Connecticut State Dental Commission

Connecticut State Dental Commission
MINUTES OF MEETING
December 6, 2006

The Connecticut State Dental Commission held a meeting on December 6, 2006, at the Department of Public Health, 410 Capitol Avenue, Conference Room F, Second Floor, Hartford, Connecticut.

COMMISSION MEMBERS PRESENT: Martin J. Rutt, DDS, Chairman
 Gerald Birmingham, DMD, MPH
 Robert Friedman, DDS
 Peter Katz, DMD
 Merrill Marks
 Steven Reiss, DDS
 Jeanne P. Strathearn, DDS
 Barbara Ulrich

COMMISSION MEMBERS ABSENT: None

Dr. Rutt called the meeting to order at 1:04 p.m.

I. Minutes

The minutes of the September 27, 2006 meeting were reviewed. Dr. Strathearn made a motion seconded by Dr. Friedman, to approve the minutes. The motion passed unanimously.

II. Legal Office Business

A. Richard Shulman, DMD – Petition No. 2004-0928-002-081

Roberta Swafford, Staff Attorney, Department of Public Health, presented a Consent Order in the matter of Richard Shulman, DMD. Neither Dr. Shulman nor his attorney was present.

For discussion purposes Dr. Strathearn made a motion, seconded by Dr. Reiss, to approve the Consent Order.

Following extensive discussion, Dr. Strathearn withdrew her motion to approve and made a motion, seconded by Mr. Marks, to table this matter to the first meeting of 2007 to allow for additional information to be provided to the Commission. The motion to table passed unanimously.

B. Michael Sonick, DMD – Petition No. 2006-0418-002-025

Stanley Peck, Section Chief, Legal Office, Department of Public Health, presented a Consent Order in the matter of Michael Sonick, DMD. Neither Dr. Sonick nor his attorney was present.

Dr. Strathearn made a motion, seconded by Dr. Katz, to approve the Consent Order. The motion passed unanimously. Dr. Rutt signed the Order.

III. New Business

A. An Act Concerning Patient Protection and Health Care Practitioner Security Fund
Stanley Peck, Section Chief, Legal Office, Department of Public Health (DPH) provided an overview of legislation proposed by the Department of Public Health which would establish a confidential program for impaired health care practitioners; provide funding for DPH consultants and provide funding to the DPH for medical record management in situations in which a practitioner has abandoned a practice. Mr. Peck stated that this legislation would result in a \$10.00 surcharge added to annual license renewals with the monies deposited in a designated fund.

Dr. Birmingham suggested that the DPH gain the support of the Connecticut State Dental Association regarding this proposal.

Dr. Katz made a motion, seconded by Ms. Ulrich, to support the proposed legislation. The motion passed with all in favor except Dr. Birmingham who abstained.

Dr. Rutt will draft a letter of support that will be shared with the Commission members and then forwarded to the Public Health Committee.

B. Verification of Dental Residency Training

Dr. Rutt explained that he has reviewed a number of residency training verification forms and believes that many of the applicants should not have been found eligible for licensure based on his interpretation of the law concerning licensure of PGY-1 applicants. Dr. Rutt also stated that he is concerned that some of the applicants had failed the ADEX clinical skills examination yet they are able to qualify for licensure under these provisions.

Commission members questioned how the Department is going to handle taking licenses back from individuals who should not have been licensed. DPH indicated that they had not interpreted the law in the same way that the Commission had, and that they would be seeking a formal interpretation of this law from the Attorney General's Office. Jennifer Filippone, Section Chief of the Practitioner Licensing and Investigations Section stated the DPH would reevaluate the applicants who were granted licenses by the PGY-1 process to determine eligibility by other licensure standards. Assistant Attorney General Richard Lynch, who was present for this discussion, commented that on its face, his reading of this statute suggests that the Dental Commission appears to be correct in its interpretation of this section. Dr. Rutt requested, that until the DPH gets a formal opinion from the Assistant Attorney General, the Department refrain from granting any licenses pursuant to the PGY-1 process. Dr. Rutt also read an excerpt from §20-108 which states each applicant for a license to practice dental medicine or dental surgery shall be examined by the Department of Public Health, under the supervision of the Dental Commission as to his professional knowledge and skill before such license is granted. He believes that this section means that the Dental Commission supervises the Department is carrying out all licensure activities. Attorney Lynch stated his office would also review the question of supervision of the licensing process by the Commission.

There was also discussion that the current licensure § 20-107 may preclude Canadian trained dentists from being licensed in Connecticut unless they comply with licensure requirements for other foreign-trained dentists. DPH has not interpreted the law in this way and believes that graduates from Canadian programs accredited by the ADA would be eligible for licensure without having to meet the additional requirements for foreign-trained dentists. DPH will also ask the Attorney general's for an interpretation of this section of the statute.

Stephen Carragher, Health Program Supervisor provided an overview of the criteria for the processing of applications for the reinstatement of lapsed licenses. The current agreement, that applicants out of practice for more than six months are to be reviewed by the Commission, will remain in effect.

C. Provisional License Application – Kahlid Almas, DDS

A provisional license application for Kahlid Almas, DDS was presented by Debbie Brown, Health Program Assistant, Department of Public Health.

Dr. Birmingham made a motion seconded by Dr. Strathearn, to recommend approval of a provisional license provided that the applicant does not have an adverse licensure history in the State of New York. The motion passed unanimously.

D. Meeting Dates 2007

The following meeting dates were tentatively scheduled for 2007:

January 17, 2007

April 11, 2007

September 5 or 26, 2007

December 5, 2007

All meetings will be scheduled for 1:00 p.m., at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut.

Dr. Strathearn left the meeting at 3:15 p.m.

IV. Old Business

Bleaching of teeth in hair salons

Jennifer Filippone, Section Chief, Practitioner Licensing and Investigations Section thanked the Commission for its advice concerning teeth bleaching that was provided at the last Dental Commission meeting. DPH continues to conduct investigations into this practice and will proceed with action against unlicensed persons found to be performing teeth bleaching in salons in the form cease and desist consent orders, which will be submitted to the Commission for approval. The Dental Commission thanked the Department for following up on these matters.

V. Adjourn

Dr. Friedman made motion, seconded by Dr. Katz, to adjourn the meeting. The motion passed and the meeting adjourned at 3:30 p.m.