



November 7, 2022, BoDE Public Meeting

Minutes

Dental Examiners Board

Nov 7, 2022 at 8:30 AM EST

@ OPLC - 7 Eagle Square, Concord, NH 03303 - Meeting in person required - Public Attendance available via Zoom <https://us02web.zoom.us/j/87485332355?pwd=di9idW10MElqOXROWldrZkp4eUkxZz09>

Attendance

Members Present:

Roger Achong, John Giraldo, Puneet Kochhar, Howard Ludington, Virginia Kapetanakis Moore, Jay Patel, Muhenad Samaan, Lisa Scott, Linda Tatarczuch

Guests Present:

Jessica Whelehan - Board Administrator, Jenna Wilson - Board Administrator, Mike Auerbach, Scott Bobbitt, Sheri Phillips - Board Counsel, Liz Eaton - Board Counsel, John Edwards, Nik Frye - Hearings Examiner, Mark Franco, Sophana Hem, Brian Quirk, Fred Salvatoriello

Jay Patel arrived at 8:40 am and departed at 11:09 am.

Roger Achong arrived at 12:30 pm.

I. Call to Order

Puneet Kochhar called the meeting to order at 8:37 am.

II. Approval of Minutes

Motion:

Approve the minutes from the public session of the October 3, 2022, meeting as submitted.

Motion moved by Howard Ludington and motion seconded by Muhenad Samaan.

Motion passed unanimously.

Motion:

Approve the minutes from the public session of the October 28, 2022, meeting as submitted.

Motion moved by Muhenad Samaan and motion seconded by Howard Ludington.

Motion passed unanimously.

III. NH Dental Society Update - Mike Auerbach

Mike Auerbach provided the following update:

"Last month, the NHDS sent a delegation to the ADA House of Delegates in Houston. Among the many topics we discussed was a strategic forecasting initiative that will significantly update the ADA governance structure to more nimbly address issues as they arise. We also welcomed President Dr. George Shepley and elected Dr. Linda Edgar and Dr. David Manzanaras as the new President-Elect and 2nd Vice President (respectively). On Friday, the NHDS hosted our Fall/Winter Meeting, during which nearly 100 dentists, hygienists, assistants and office managers participated in six hours of in-person CE on AI and oral oncology.

NHDS is filing a bill this fall that will expand the state law to include dental benefits in medical loss reporting rules. Meanwhile, in Massachusetts, a Medical Loss Ratio ballot initiative (which requires that 83 percent of premiums be returned to patient care and services) is set to go before the voters on Tuesday – NHDS strongly supports this legislation in Massachusetts.

Finally, we are receiving a number of concerns from NHDS Members that recruitment of new associates is being significantly hampered by delays in licensure. Some Members have told me that they have been waiting for several months for new associates to get on the Board agenda, despite having all requisite paperwork and background checks in order. The state needs new associates, particularly specialists, to help address a growing population and take on new patients when the new adult dental Medicaid benefit is rolled out. The NHDS stands at the ready to help in any way we can."

Puneet Kochhar noted that Mike may want to consider having his members double check their own work, as he understood that applications were processed very efficiently once all of the required documents were received, and that it was the applicant's responsibility to ensure OPLC had received all of the required documents.

- IV. Manjari Pamulapati , DMD Lic #03936 - CEU review for Settlement Agreement dated 11/09/202

Motion:

Accept the submitted CEUs as completion of the terms set forth in the settlement agreement.

Motion moved by Puneet Kochhar and motion seconded by Howard Ludington. Motion passed unanimously.

- V. Collaborative Agreement - Katie Latulip, RDH Lic #02662

Motion:

Approve the Collaborative Agreement between Katie Latulip, RDH, and Hubert Hawkins, DDS Lic #03464.

Motion moved by Muhenad Samaan and motion seconded by Lisa Scott. Motion passed unanimously.

VI. Sullivan County Summary Report Form

Motion:

Accept the summary report form as submitted.

Motion moved by Lisa Scott and motion seconded by Virginia Kapetanakis Moore. Motion passed unanimously.

VII. Dental Direct Summary Report Form

Motion:

Accept the summary report form as submitted.

Motion moved by Puneet Kochhar and motion seconded by Lisa Scott. Motion passed unanimously.

VIII. List of Dentist Apps approved and pending

Motion:

Accept the list as submitted.

Motion moved by Puneet Kochhar and motion seconded by Howard Ludington. Motion passed unanimously.

IX. Benjamin Martin, DMD - Initial Application for Licensure

Motion:

Approve the application for licensure.

Motion moved by Puneet Kochhar and motion seconded by Muhenad Samaan. Motion passed unanimously.

X. Kevin Hsu, DMD - Initial Application for Licensure

Motion:

Approve the application for licensure.

Motion moved by Muhenad Samaan and motion seconded by Jay Patel. Motion passed unanimously.

- XI. Amitabha Lala, DDS - Initial Application for Licensure

Motion:

Approve the application for licensure.

Motion moved by Muhenad Samaan and motion seconded by Jay Patel. Motion passed unanimously.

- XII. List of Hygienist Apps approved and pending

Motion:

Accept the list as submitted.

Motion moved by Muhenad Samaan and motion seconded by Jay Patel. Motion passed unanimously.

- XIII. Hannah Smith, RDH - Request to waive reinstatement timeframe and/or request to waive "Licensure by Examination" requirements

The Board discussed the waiver requests. It was noted that the Board felt compassion for this applicant; however, it was also noted that the applicant had made the decision to lapse, rather than to go inactive, and that she was well outside the time period for reinstatement, and because she had not been practicing, she did not meet the qualifications for licensure by endorsement, and because she had taken her exams more than 3 years ago, neither did she qualify for licensure by examination.

Motion:

Deny both waiver requests and inform the applicant that all requirements for licensure, as set forth in law and rule, must be met.

Motion moved by Linda Tatarczuch and motion seconded by Howard Ludington. Motion passed unanimously.

- XIV. Melissa Hartner, RDH - Initial Application and request to accept Nevada State Board exam

The Board discussed whether the Nevada State Board exam should be accepted. Jessica Whelehan noted that rule Den 301.01 (h) allowed for exams from other jurisdictions, and specifically mentioned State Board exams.

Motion:

Accept the Nevada State Board Exam and approve the application.

Motion moved by Muhenad Samaan and motion seconded by Howard Ludington.

Motion passed unanimously.

XV. CDCA/ADEX/WREB Annual Meeting

Puneet Kochhar asked the Board members if anyone was planning to attend the CDCA/ADEX/WREB Annual meeting in January of 2023, which was occurring in Texas; he indicated that he was planning on attending. He stressed the importance of RSVP'ing if other members were planning to attend.

XVI. Verma Payal, DMD - Initial Application for Licensure

The Board discussed the application, seeking advice from Board Counsel regarding whether or not the pending investigation should reflect in their decision making. Board Counsel reminded the Board the lawsuits, completed or pending, do not necessarily mean a license will be denied.

Motion:

Approve the application for licensure.

Motion moved by Puneet Kochhar and motion seconded by Howard Ludington. Motion passed unanimously.

XVII. Message to Dental Examiners licensees regrading unprofessional behavior

The Board discussed the letter and agreed that because their current rules and code of ethics did not allow them to address rude or disrespectful dentists one a case-by-case basis, and because the issues had been so widespread, and were continuing to this day, the Board felt that a clear message needed to be sent. The Board also discussed the possibility of making a change to the laws or the rules that would allow the Board to better address these types of issues in the future. Board Counsel agreed that rules changes, in the near future, would be the most efficient way to provide oversight in this

area. Puneet Kochhar advised he wanted to make sure this discussion occurred in public session so that the licensees would be able to go to the minutes to see that the Board had made this decision. The content of the message is to be as follows:

"During this most recent licensure renewal period, the NH Board of Dental Examiners was extremely concerned and upset at the crass behavior by dentists directed towards the OPLC staff. As professionals, how we treat patients within the walls of our offices along with the public at large reflects on us all. The conduct directed at the team that exists to help our profession was appalling and has no place in any part of our community.

More specifically, the Board received reports that dentists were extremely rude and disrespectful, going so far as yelling, name calling, and threatening. As professionals we are responsible for our own licenses, and it's time we all look in the mirror. It is our responsibility to know when we should renew and what is needed for renewal. The date is a fixed point in time. Last minute questions or concerns does not make it someone else's problem. Disrespecting people who are only trying to do their job is unacceptable.

Moving forward we encourage you all to reflect on your behavior and that of your colleagues. We believe in transparency and guiding one another toward success. We should remember that providing care for the people of New Hampshire is a privilege."

Motion:

Issue a "blast" email to all licensees to address issues with unprofessional and disrespectful behavior.

Motion moved by Howard Ludington and motion seconded by Lisa Scott. Motion passed unanimously.

XVIII. Non-Public Session

Motion:

Conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c) & (e), RSA 91-A:5, IV, Lodge v. Knowlton, (1978), and the Board's executive and deliberative privileges.

Motion moved by Howard Ludington and motion seconded by Lisa Scott. Motion passed unanimously by roll call vote at 9:55 am.

Public session was resumed at 11:59 pm.

XIX. Seal the Minutes of the Non-Public Session

Motion:

Seal the minutes of the non-public session to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

Motion moved by Muhenad Samaan and motion seconded by Puneet Kochhar. Motion passed unanimously.

XX. Non-Public Session

Motion:

Conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c) & (e), RSA 91-A:5, IV, Lodge v. Knowlton, (1978), and the Board's executive and deliberative privileges.

Motion moved by Puneet Kochhar and motion seconded by Howard Ludington. Motion passed unanimously by roll call vote at 12:54 pm.

Public session was resumed at 1:09 pm.

XXI. Seal the Minutes of the Non-Public Session

Motion:

Seal the minutes of the non-public session to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

Motion moved by Muhenad Samaan and motion seconded by Roger Achong. Motion passed unanimously.

XXII. 1:30 pm - Show Cause Hearing for Fred Salvatoriello, DMD, Lic #01415

Fred Salvatoriello, represented by Attorney Brian Quirk, addressed the Board regarding his 2022 CEU Audit and the missing CEUs. It was noted that the licensee and attorney both misinterpreted the rules and took BLS-HCP to be the same as Medical Emergencies.

Motion:

Allow the licensee 30 days to submit proof to the Board of completion of 2 CEU hours towards Medical Emergencies, as detailed in rule Den 403.03 (b).

Motion moved by Puneet Kochhar and motion seconded by Howard Ludington. Motion passed; Muhenad Samaan opposed.

XXIII. Non-Public Session

Motion:

Conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c) & (e), RSA 91-A:5, IV, Lodge v. Knowlton, (1978), and the Board's executive and deliberative privileges.

Motion moved by Roger Achong and motion seconded by Puneet Kochhar. Motion passed unanimously by roll call vote at 1:49 pm.

Public session resumed at 2:30 pm.

XXIV. Seal the Minutes of the Non-Public Session

Motion:

Seal the minutes of the non-public session to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

Motion moved by Roger Achong and motion seconded by Puneet Kochhar. Motion passed unanimously.

XXV. 2:30 pm - Show Cause Hearing for Sophana Hem, DMD, Lic #04008

Sophana Hem, represented by Attorney Mark Franco, addressed the Board regarding his 2022 Lapse and Reinstatement, and the missing CEUs. It was noted that the licensee and attorney both misinterpreted the rules and took BLS-HCP to be the same as Medical Emergencies.

Motion:

Allow the licensee 30 days to submit proof to the Board of completion of 2 CEU hours towards Medical Emergencies, as detailed in rule Den 403.03 (b).

Motion moved by Howard Ludington and motion seconded by Roger Achong. Motion passed unanimously.

XXVI. Non-Public Session

Motion:

Conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c) & (e), RSA 91-A:5, IV, Lodge v. Knowlton, (1978), and the Board's executive and deliberative privileges.

Motion moved by Roger Achong and motion seconded by Puneet Kochhar. Motion passed unanimously by roll call vote at 2:48 pm.

Public session resumed at 3:22 pm.

XXVII. Seal the Minutes of the Non-Public Session

Motion:

Seal the minutes of the non-public session to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

Motion moved by Roger Achong and motion seconded by Puneet Kochhar. Motion passed unanimously.

XXVIII. 3:30 pm - Show Cause Hearing for Scott Bobbitt, DMD, Lic #02562

Scott Bobbitt, represented by Attorney John Edwards, addressed the Board regarding his 2022 Lapse and Reinstatement, and the missing CEUs. It was noted that the licensee and attorney both misinterpreted the rules and took BLS-HCP to be the same as Medical Emergencies.

Motion:

Allow the licensee 30 days to submit proof to the Board of completion of 2 CEU hours towards Medical Emergencies, as detailed in rule Den 403.03 (b).

Motion moved by Howard Ludington and motion seconded by Muhenad Samaan.
Motion passed unanimously.

XXIX. Non-Public Session

Motion:

Conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c) & (e), RSA 91-A:5, IV, Lodge v. Knowlton, (1978), and the Board's executive and deliberative privileges.

Motion moved by Roger Achong and motion seconded by Puneet Kochhar. Motion passed unanimously by roll call vote at 3:51 pm.

Public session resumed at 4:36 pm.

XXX. Seal the Minutes of the Non-Public Session

Motion:

Seal the minutes of the non-public session to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

Motion moved by Roger Achong and motion seconded by Puneet Kochhar. Motion passed unanimously.

XXXI. Adjournment

Puneet Kochhar adjourned the meeting at 4:37 pm.