

**BOARD OF DENTISTRY
GENERAL BUSINESS MEETING MINUTES
TELEPHONE CONFERENCE CALL
November 13, 2020
8:00 a.m. ET
Call In Number: (888) 585-9008
Conference Code: 599-196-982(#)**

Attendees requesting continuing education credit for attending the Board of Dentistry's teleconference call must email MQA.Dentistry@flhealth.gov with your full name, license number and the beginning and end time of your attendance.

I. CALL TO ORDER/ROLL CALL

MEMBERS PRESENT

Naved Fatmi, DMD, Chair
Claudio Miro, DDS
Nick White, DMD, Vice-Chair
T.J. Tejera, DMD
Matthew Freedman, DMD
Catherine Cabanzon, RDH, BASDH
Karyn Hill, RDH
Fabio Andrade, Consumer Member

STAFF PRESENT

Jessica Sapp, Executive Director
Paulette Schofill, Program Administrator

BOARD COUNSEL

Lawrence Harris
Senior Assistant Attorney General

MEMBERS ABSENT

Nick Kavouklis, DMD

PROSECUTION SERVICES UNIT

Rose Garrison, Assistant General Counsel
Chad Dunn, Chief Legal Counsel
Ashlin Morgan, Legal Assistant

COURT REPORTER

For the Record
(850) 222-5491

II. DISCIPLINARY PROCEEDINGS

A. Settlement Agreements

- i. Hugh George Allen, DN, Case No. 2019-47402
(PCP – Miro, Morgan, Britten)

Dr. Allen was present. He was represented by Dana Contri, Esq.

Rose Garrison presented the case to the board. The Respondent was charged with the following violation: **Count I:** Section 466.028(1)(o), Florida Statutes, by failing to obtain patient authorization to extract teeth 2, 8, 9, 10, and 15.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- Reprimand
- Fine of \$10,000 to be paid within one (1) year of the filing of the Final Order

- Costs of \$1,844.28 to be paid within one (1) year of the filing of the Final Order
- Successful completion of a four (4) hour course in Risk Management to be completed in person at or through a Florida accredited dental college or university, or a Board approved continuing education provider within twelve (12) months of the filing of the Final Order
- Successful completion of the Laws and Rules exam within twelve (12) months of the filing of the Final Order

After discussion, the following action was taken:

Motion: by Dr. Tejera to accept the Settlement Agreement

Second: by Dr. Freedman

Vote: Unanimous

- ii. Maria A. Balda, DN, Case No. 2019-10980
(PCP – Miro, Morgan, Perdomo)

Dr. Balda was present. She was represented by Zachary Trapp, Esq.

Rose Garrison presented the case to the board. The Respondent was charged with the following violations: **Count I:** Section 466.028(1)(x), Florida Statutes by failing to meet the minimum standards of performance in diagnosis and treatment by failing to identify potential occlusal complications during patient’s diagnosis and/or failed to appropriately manage the excessive occlusal forces on patient’s upper teeth when executing the treatment plan.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- Letter of Concern
- Fine of \$3,000.00 to be paid within eighteen (18) months of the filing of the Final Order
- Costs of \$3,729.30 to be paid within eighteen (18) months of the filing of the Final Order
- Successful completion of a three (3) to six (6) hour course in Crown and Bridge to be completed in person at or through a Florida accredited dental college or university within twelve (12) months of the filing of the Final Order
- Respondent shall refund to the patient the amount of “out of pocket” fees and costs in the amount of \$2,625 within one (1) year of the entry of the Final Order
- Successful completion of the Laws and Rules exam within twelve (12) months of the filing of the Final Order

Mr. Trapp, attorney for Dr. Balda agreed to waive any claims to fees and costs they may be entitled to.

After discussion, the following action was taken:

Motion: by Dr. Fatmi to dismiss

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Second: by Dr. Tejera

Vote: Carried 4/3. Ms. Cabanzon, Dr. White, and Mr. Andrade opposed.

- iii. Harry Panahi, DN, Case No. 2018-26815
(PCP – Miro, Britten)

Dr. Panahi was present. Dr. Panahi was represented by Jon Pellett, Esquire.

Rose Garrison presented the case to the board. The Respondent was charged with the following violation(s): **Count I:** Section 466.028(1)(x), Florida Statutes by failing to meet the minimum standards of performance in diagnosis and treatment by failing to evaluate bone height in the area of tooth 31; by failing to evaluate tooth 31's proximity to the inferior alveolar canal; by using a drill that was too long such that the drill perforated into the inferior alveolar canal; by using an implant that too long such that the implant perforated into the inferior alveolar canal; by paying or having paid out on his behalf, an indemnity in the amount of \$75,000 as a result of negligent conduct on the part of the Respondent. **Count II:** Section 466.028(1)(m), Florida Statutes, by failing to keep written dental records and medical history justifying the course of treatment and Section 466.028(1)(mm), Florida Statutes by violating Rule 64B5-17.002(1), Florida Administrative Code.

A Settlement Agreement was presented to the Board with the following terms:

- Appearance
- Letter of Concern
- Fine of \$5,000 to be paid within twelve (12) months of the filing of the Final Order
- Costs of \$3,318.91 to be paid within twelve (12) months of the filing of the Final Order
- Successful completion of a three (3) to six (6) hour course in Diagnosis and Treatment Planning and a three (3) to six (6) course in Implants to be completed in person at or through a Florida accredited dental college or university within twelve (12) months of the filing of the Final Order
- Successful completion of the Laws and Rules exam within twelve (12) months of the filing of the Final Order

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to accept all terms of the Settlement Agreement with an oral amendment to change the Level I course in Implants to a Level III course in Implants

Second: by Dr. Freedman

Vote: Carried 5/2. Dr. Fatmi and Dr. White opposed.

B. Voluntary Relinquishment

- i. Bradley A. Rivet, DN, Case No. 2019-34153
(PCP – Miro, Britten, Morgan)

Dr. Rivet was not present.

Dr. Rivet violated Sections 466.028(1)(m) and 466.028(1)(mm), Florida Statutes.

Motion: by Dr. Tejera to accept the Voluntary Relinquishment

Second: by Dr. Fatmi

Vote: Unanimous

- ii. Ignacio A. Baez-Vargas, DN, Case No. 2019-54531
(PCP – Tejera, Gesek, Morgan)

Dr. Baez-Vargas was not present.

Dr. Baez-Vargas violated Section 466.028(1)(mm), Florida Statutes.

Motion: by Dr. Freedman to accept the Voluntary Relinquishment

Second: by Dr. White

Vote: Unanimous

C. Motion to Vacate Final Order

- i. Maria Mazzarella-Leon, DN, Case No. 2002-00954

The Board filed a Final Order in this case on or about February 1, 2005, finding that Respondent violated section 456.072(1)(k), Florida Statutes, by being in default of a student loan obligation. Based on the passage of HB115, a motion has been filed by Petitioner, Department of Health requesting that the Board vacate the Final Order in this case filed on or about February 1, 2015 and dismiss the Complaint.

- ii. Maria Picado, DR, Case No. 2017-16964

The Board filed a Final Order in this case on or about December 23, 2019, finding that Respondent violated section 456.072(1)(k), Florida Statutes, by being in default of a student loan obligation. Based on the passage of HB115, a motion has been filed by Petitioner, Department of Health requesting that the Board vacate the Final Order in this case filed on or about December 23, 2019 and dismiss the Complaint.

- iii. Lisa Sambrooks, RDH, Case No. 2017-15259

The Board filed a Final Order in this case on or about March 8 2019, finding that Respondent violated section 456.072(1)(k), Florida Statutes, by being in default of a student loan obligation. Based on the passage of HB115, a motion has been filed by Petitioner, Department of Health requesting that the Board vacate the Final Order in this case filed on or about March 8, 2019 and dismiss the Complaint.

- iv. Jahn Oppenheimer, DN, Case No. 2007-35736

The Board filed a Final Order in this case on or about January 20, 2009, finding that Respondent violated section 456.072(1)(k), Florida Statutes, by being in default of a student loan obligation. Based on the passage of HB115, a motion has been filed by Petitioner, Department of Health requesting that the Board vacate the Final Order in this case filed on or about January 20, 2009 and dismiss the Complaint.

v. Ileana Ramudo-Townsend, DN, Case No. 2012-17928

The Board filed a Final Order in this case on or about December 16, 2014, finding that Respondent violated section 456.072(1)(k), Florida Statutes, by being in default of a student loan obligation. Based on the passage of HB115, a motion has been filed by Petitioner, Department of Health requesting that the Board vacate the Final Order in this case filed on or about December 16, 2014 and dismiss the Complaint.

vi. Jessica Whitley, DR, Case No. 2017-20212

The Board filed a Final Order in this case on or about December 23, 2019, finding that Respondent violated section 456.072(1)(k), Florida Statutes, by being in default of a student loan obligation. Based on the passage of HB115, a motion has been filed by Petitioner, Department of Health requesting that the Board vacate the Final Order in this case filed on or about December 23, 2019 and dismiss the Complaint.

After discussion, the following action was taken.

Motion: by Dr. Tejera to grant the Motion to Vacate the Final Order and dismiss the Complaint for Case No. 2002-00954, Case No. 2017-16964, Case No. 2017-15259, Case No. 2007-35736, Case No. 2012-17928, and Case No. 2017-20212

Second: by Ms. Cabanzon

Vote: Unanimous

III. PROSECUTION REPORT

A. Rose Garrison, Assistant General Counsel

Rose Garrison presented the prosecution report.

Motion: by Ms. Cabanzon to continue processing year and older cases

Second: by: Dr. White

Vote: Unanimous

IV. REVIEW OF APPLICATIONS

A. Application for Dental License

i. Louisa Correa

Dr. Correa was present. She was not represented by counsel. Her appearance was required due to previous criminal and disciplinary history in other states.

After discussion, the following action was taken:

Dr. Correa withdrew her application.

ii. Joshua Bevans

Dr. Bevans was present. He was not represented by counsel. His appearance was required due to previous disciplinary history in another state.

After discussion, the following action was taken:

Motion: by Dr. Miro to accept the application

Second: by Ms. Cabanzon

Vote: Unanimous

B. Application for Moderate Sedation Permit

i. Laurie Burdman, DN17211

Dr. Burdman was present. She was represented by Paul Drake, Esq. Her appearance was requested by the Anesthesia Chair regarding the accreditation of his sedation training and the administration of the sedation cases.

ii. David Engelsberg, DN12684

Dr. Engelsberg was present. He was represented by Paul Drake, Esq. His appearance was requested by the Anesthesia Chair regarding the accreditation of his sedation training and the administration of the sedation cases.

iii. Dustin Pfundheller, DN20128

Dr. Pfundheller was present. He was represented by Paul Drake, Esq. His appearance was requested by the Anesthesia Chair regarding the accreditation of his sedation training and the administration of the sedation cases.

iv. Cory Ruppel, DN14781

Dr. Ruppel was present. He was represented by Paul Drake, Esq. His appearance was requested by the Anesthesia Chair regarding the accreditation of his sedation training and the administration of the sedation cases.

v. Andrew Yoon, DN18672

Dr. Yoon withdrew his application

vi. Diaa Ghabbour, DN15155

Dr. Ghabbour was present. He was represented by Paul Drake, Esq. His appearance was requested by the Anesthesia Chair regarding the accreditation of his sedation training and the administration of the sedation cases.

After discussion, the following action was taken.

Motion: by Dr. Tejera to accept the applications of Dr. Burdman, Dr. Engelsberg, Dr. Pfundheller, Dr. Ruppel, and Dr. Ghabbour.

Second: by Dr. Miro

Vote: Unanimous

V. REPORTS

A. Board Counsel

i. Rules Report

Mr. Harris provided the Board with a current status of the rules currently in process. He also presented the Board with the Annual Regulatory Plan.

B. Executive Director

i. Financial Reports

Ms. Sapp provided the financial reports as informational.

ii. Human Trafficking CE Requirement

Ms. Sapp reminded board members and others on the call that all currently licensed dentists and dental hygienists are required to complete the one-time, one-hour course on Human Trafficking by January 1, 2021 and provided information on where licensees can find approved courses.

Inspection Report

Mr. Dilworth provided the Board with an overview of the dental sedation program. The program has completed 336 inspections since January 1, 2020. Inspections were paused between April and June due to COVID-19, but inspections had resumed at the end of June. He also indicated that they now have a total of 4 full-time inspectors. Dr. White indicated that he had been contacted by several pediatric dentists concerned with inspectors asking for cardiac lidocaine. Dr. White indicated that our rule does not specifically require cardiac lidocaine. Ms. Sapp explained this concern was discussed with Mr. Dilworth and Dr. Tejera and that the Anesthesia Committee may need to discuss revising the rule to specify the most appropriate type of lidocaine. Mr. Dilworth advised that Dr. White was correct regarding the rule and that this had already been discussed with the inspectors and should not be an issue moving forward.

C. Chair

Dr. Fatmi began his report by thanking Board Counsel and Board Staff for all of their hard work this year. He indicated that the Board was still able to accomplish many things this year despite the challenges that COVID-19 presented.

Dr. Fatmi also attended the annual American Board of Dental Examiners (ADEX) meeting and indicated there were no major changes to the dental portion of the exam.

D. Board Members

i. Ms. Cabanzon

1. Council on Dental Hygiene Report

The Council on Dental Hygiene held a telephonic meeting on October 7, 2020. The council discussed changes to Rule 64B5-16.001, F.A.C., Rule 64B5-16.002, F.A.C., and Rule 64B5-16.006, F.A.C. The Council on Dental Hygiene proposed the following amendments:

64B5-16.001 Definitions of Remediable Tasks and Supervision Levels.

(1) Remediable tasks, also referred to as expanded functions of dental hygienists and dental assistants, which are enumerated in Rules 64B5-16.006, 64B5-16.0061, 64B5-16.005, 64B5-16.0051, F.A.C., are those intra-oral tasks which do not create unalterable changes in the oral cavity or contiguous structures, are reversible and do not expose a patient to increased risks. The use of a laser or laser device of any type is not a remediable task except when specifically authorized by this Rule Chapter, unless utilized as an assessment device.

(2) through (9) No Change

64B5-16.002 Required Training.

(1) through (4) No Change

(5) A dental hygienist who uses a laser, unless only using the device for caries detection, must first successfully complete training that covers, at a minimum, four (4) hours in fundamentals of laser physics, safety and appropriate use prior to utilizing the laser. The course must be a minimum of fifteen (15) hours in length, contain a hands-on opportunity, and a learning assessment instrument. At least three (3) of the fifteen (15) hours must include clinical simulation laser training in the procedures that the hygienist will perform by instructors that have equal to or higher training. The dentist authorizing laser procedures must also have equivalent training. Training must be obtained through a course provided or recognized by any of the following organizations (or a successor organization):

(a) A Commission on Dental Accreditation (CODA) accredited institution.

(b) The American Dental Association (ADA) Continuing Education Recognition Program (CERP); or

(c) The Academy of General Dentistry (AGD) Program Approval for Continuing Education (PACE).

64B16-16.006 Remediable Tasks Delegable to a Dental Hygienist

(1) No Change

(2) The following remediable tasks may be performed by a dental hygienist who has received training in these procedures in pre-licensure education or who has received formal training as defined by Rule 64B5-16.002, F.A.C., and who performs the tasks under Direct supervision:

(a) through (h) No Change

(i) Use a laser as an adjunct to scaling and root planning for bacterial reduction, so long as they do not perform any procedure that is irreversible or involves the intentional cutting of soft or hard tissue.

(3) through (7) No Change

(8) The following remediable tasks may be performed by a dental hygienist who has received training in these procedures in pre-licensure education or who has received formal training as defined by Rule 64B5-16.002, F.A.C., and who performs the tasks under General supervision:

(a) through (g) No Change

(h) Using appropriate implements to assess and chart suspected findings of the oral cavity, to include laser devices;

(i) through (q) No Change

(9) through (11) No Change

Dr. Freedman expressed concerns regarding ownership of the laser.

Dr. Tejera opposed the amendments based on educational concerns and costs that would be passed on to patients.

Ms. Hill supported the amendments and stated that the language captured all of the concerns the board members discussed at the previous board meeting and council meeting.

Robin Poole president of the Florida Dental Hygiene Association supported the use of lasers by dental hygienists within their scope of practice and with appropriate training.

Dr. Vivek Solanki expressed his support.

Dr. Joe Calderone, Florida Dental Association Liaison to the Board opposed the amendments based on efficacy issues and costs.

After discussion, the following action was taken:

Motion: by Ms. Cabanzon to accept the recommended changes with the addition of language that a dental hygienist cannot own a laser.

Second: by Dr. Fatmi

Vote: Failed, 4/4. Dr. White, Dr. Tejera, Dr. Freedman, and Dr. Miro opposed.

VI. NEW BUSINESS

A. 2021 Elections

Motion: by Dr. Fatmi to nominate Dr. White for Chair. Dr. White accepted.

Second: by Dr. Tejera

Vote: Unanimous

Motion: by Dr. Miro to nominate Dr. Fatmi for Vice-Chair. Dr. Fatmi accepted.

Second: by Dr. Miro

Vote: Unanimous

B. Licensure Ratification Lists

After discussion, the following action was taken:

Motion: by Dr. Tejera to accept.

Second: by Dr. Miro

Vote: Unanimous

C. Anesthesia Ratification List

After discussion, the following action was taken:

Motion: by Dr. Tejera to accept.

Second: by Dr. White

Vote: Unanimous

VII. OLD BUSINESS

A. Approval of Board Meeting Minutes – August 21, 2020

After discussion, the following action was taken:

Motion: by Dr. Fatmi to accept.

Second: by Dr. White

Vote: Unanimous

B. Approval of Council on Dental Hygiene Minutes – October 7, 2020

After discussion, the following action was taken:

Motion: by Dr. Tejera to accept

Second: by Ms. Cabanzon

Vote: Unanimous

VIII. ADJOURNMENT

There being no further business, the meeting adjourned at 11:00 a.m.