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**DENTISTRY EXAMINING BOARD**  
**Room N208, 4822 Madison Yards Way, 2<sup>nd</sup> Floor, Madison**  
**Contact: Christian Albouras, (608) 266-2112**  
**March 4, 2020**

*The following agenda describes the issues that the Dentistry Examining Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Dentistry Examining Board.*

**AGENDA**

**9:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Pledge of Allegiance**
- B. Adoption of Agenda (1-3)**
- C. Approval of Minutes of January 8, 2020 (4-10)**
- D. Introductions, Announcements and Recognition
- E. Conflicts of Interest
- F. Administrative Matters**
  - 1) Department, Staff and Board Updates
  - 2) Board Members – Term Expiration Dates
- G. Legislative and Policy Matters – Discussion and Consideration
- H. Administrative Rule Matters – Discussion and Consideration
  - 1) Pending or Possible Rulemaking Projects
- I. American Academy of Dental Sleep Medicine Letter – Discussion and Consideration (11)**
- J. Discussion and Consideration of Items Added After Preparation of Agenda:
  - 1) Introductions, Announcements and Recognition
  - 2) Administrative Matters
  - 3) Election of Officers
  - 4) Appointment of Liaisons and Alternates
  - 5) Delegation of Authorities
  - 6) Education and Examination Matters
  - 7) Credentialing Matters
  - 8) Practice Matters

- 9) Legislative and Policy Matters
- 10) Administrative Rule Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

K. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).**

L. Credentialing Matters

- 1) Application Reviews
  - a. Gregory Goggans **(12-80)**

M. Division of Legal Services and Compliance (DLSC) Matters

- 1) Stipulations, Final Decisions and Orders
  - a. 17 DEN 128 – Robert J. Blumenthal, D.M.D. **(81-87)**
  - b. 17 DEN 129, 18 DEN 160, 19 DEN 020, 19 DEN 038 – Patrick J. Crawford, D.D.S. **(88-96)**
  - c. 18 DEN 020 – Neela Lalani, D.M.D. **(97-102)**
  - d. 18 DEN 086 – J. William Franta, D.D.S. **(103-108)**
  - e. 18 DEN 146 – Jeffrey G. Putney, D.D.S. **(109-114)**
- 2) Case Closing(s)
  - a. 18 DEN 050 – A.A.P. **(115-120)**
  - b. 18 DEN 057 – A.A.P. **(121-124)**
  - c. 18 DEN 061 – A.A.P. **(125-130)**
  - d. 18 DEN 074 – E.A.B. **(131-140)**
  - e. 18 DEN 093 – R.G.M. **(141-143)**
  - f. 18 DEN 114 – W.R.M. **(144-147)**
  - g. 18 DEN 123 – L.A.M. **(148-151)**
  - h. 18 DEN 132 – R.D.M. **(152-169)**

- i. 18 DEN 133 – A.V.P. **(170-177)**
- j. 19 DEN 110 – T.S.N. **(178-181)**
- k. 19 DEN 142 – T.S.N. **(182-186)**
- l. 19 DEN 146 – J.L.Z. **(187-189)**

N. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

O. Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

P. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

Q. Open Session Items Noticed Above Not Completed in the Initial Open Session

**ADJOURNMENT**

**NEXT DATE: MAY 6, 2020**

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 MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board’s agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**DENTISTRY EXAMINING BOARD  
MEETING MINUTES  
JANUARY 8, 2020**

**PRESENT:** Matthew Bistan, DDS; Shaheda Govani, DDS; Leonardo Huck, DDS; Herbert Kaske, DDS (*via Skype*); Dennis Myers, Wendy Pietz, DDS; and Peter Sheild, DDS

**EXCUSED:** Lisa Bahr, RDH; Katherine Schrubbe, RDH

**STAFF:** Debra Sybell, Executive Director; Jameson Whitney, Legal Counsel; Sharon Henes, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Matthew Bistan, Chairperson, called the meeting to order at 9:00 a.m. A quorum was confirmed with seven (7) board members present.

**ADOPTION OF AGENDA**

**MOTION:** Dennis Myers moved, seconded by Peter Sheild, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF NOVEMBER 6, 2019**

**MOTION:** Leonardo Huck moved, seconded by Peter Sheild, to approve the Minutes of November 6, 2019 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**Department, Staff, and Board Updates**

**MOTION:** Leonardo Huck moved, seconded by Wendy Pietz, to recognize and thank Debra Beres, RDH, for her years of service to the Dentistry Examining Board and the State of Wisconsin. Motion carried unanimously.

**Election of Officers**

*Chairperson*

**NOMINATION:** Dennis Myers nominated Matthew Bistan for the Office of Chairperson.

Debra Sybell, Executive Director, called for nominations three (3) times.

Matthew Bistan was elected as Chairperson by unanimous voice vote.

*Vice Chairperson*

**NOMINATION:** Matthew Bistan nominated Wendy Pietz for the Office of Vice Chairperson.

Debra Sybell, Executive Director, called for nominations three (3) times.

Wendy Pietz was elected as Vice Chairperson by unanimous voice vote.

*Secretary*

**NOMINATION:** Matthew Bistan nominated Dennis Myers for the Office of Secretary.

Debra Sybell, Executive Director, called for nominations three (3) times.

Dennis Myers was elected as Secretary by unanimous voice vote.

<b>ELECTION RESULTS</b>	
<b>Chairperson</b>	Matthew Bistan
<b>Vice Chairperson</b>	Wendy Pietz
<b>Secretary</b>	Dennis Myers

**Appointment of Liaisons and Alternates**

<b>LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaisons</b>	Lisa Bahr ( <i>Dental Hygiene</i> ), Wendy Pietz ( <i>Dentistry</i> ) Alternate: Shaheda Govani
<b>Office of Education and Exams Liaison</b>	Herbert Kaske, Katherine Schrubbe
<b>Monitoring and Professional Assistance Procedure (PAP) Liaison</b>	Peter Sheild
<b>Legislative Liaison</b>	Matthew Bistan
<b>Travel Liaison</b>	Matthew Bistan
<b>PDMP Liaison/ Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g)</b>	Leonardo Huck
<b>Screening Panel Members</b>	Peter Sheild, Dennis Myers, and Katherine Schrubbe

## Delegation of Authorities

### *Document Signature Delegations*

**MOTION:** Shaheda Govani moved, seconded by Leonardo Huck, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

**MOTION:** Shaheda Govani moved, seconded by Dennis Myers, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

### *Delegated Authority for Urgent Matters*

**MOTION:** Shaheda Govani moved, seconded by Leonardo Huck, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

### *Monitoring Delegations*

**MOTION:** Shaheda Govani moved, seconded by Peter Sheild, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” as presented in the January 8, 2020 agenda materials. Motion carried unanimously.

### *Credentialing Authority Delegations*

#### Delegation of Authority to Credentialing Liaison

**MOTION:** Peter Sheild moved, seconded by Dennis Myers, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPS and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them. Motion carried unanimously.

#### Delegation of Authority to DSPS When Credentialing Criteria is Met

**MOTION:** Shaheda Govani moved, seconded by Wendy Pietz, to delegate credentialing authority to DSPS to act upon applications that meet all

credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

**Delegation of OWI/Underage Drinking Determinations**

**MOTION:** Peter Sheild moved, seconded by Leonardo Huck, to delegate authority to DSPS Attorneys and Paralegals to review and approve applicants with one OWI or underage drinking violation which does not substantially relate to the practice of Dentistry or Dental Hygiene. Motion carried unanimously.

**Delegation of Faculty License Credentialing Decisions**

**MOTION:** Leonardo Huck moved, seconded by Wendy Pietz, to delegate all faculty license credentialing decisions to the Board's Credentialing Liaisons. Motion carried unanimously.

***Delegated Authority for Application Denial Reviews***

**MOTION:** Wendy Pietz moved, seconded by Peter Sheild, that the Department's Attorney Supervisors, DLSC Administrator, or their designee are authorized to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

***Voluntary Surrenders***

**MOTION:** Peter Sheild moved, seconded by Dennis Myers, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

***Education, Continuing Education and/or Examination Delegation(s)***

**MOTION:** Shaheda Govani moved, seconded by Leonardo Huck, to delegate authority to the Office of Education and Examinations Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

***Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies***

**MOTION:** Shaheda Govani moved, seconded by Leonardo Huck, to authorize DSPS staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

### *Optional Renewal Notice Insert Delegation*

**MOTION:** Shaheda Govani moved, seconded by Peter Sheild to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

### *Legislative Liaison Delegation*

**MOTION:** Peter Sheild moved, seconded by Dennis Myers, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

### *Travel Delegation*

**MOTION:** Shaheda Govani moved, seconded by Peter Sheild, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

## **CREDENTIALING MATTERS**

### **Review of Application Forms and Creation of Forms Committee**

**MOTION:** Peter Sheild moved, seconded by Leonardo Huck, that in order to facilitate the completion of its duties between meetings, the Board delegates authority to the Chairperson to appoint members to the Licensure Forms Committee between meetings as necessary. Motion carried unanimously.

**MOTION:** Wendy Pietz moved, seconded by Leonardo Huck, to delegate authority to the Chairperson of the Licensure Forms Committee to approve revisions to forms recommended by the Licensure Forms Committee for submission to the Department. Motion carried unanimously.

## **CLOSED SESSION**

**MOTION:** Dennis Myers moved, seconded by Peter Sheild, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Matthew Bistan, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Matthew Bistan-yes; Shaheda Govani-yes; Leonardo Huck-yes; Herbert Kaske-yes; Dennis Myers-yes; Wendy Pietz-yes; and Peter Sheild-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:09 a.m.

## **DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS**

**MOTION:** Dennis Myers moved, seconded by Shaheda Govani, to adopt the Finding of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings for the following cases:

1. 17 DEN 104 – Robert A. Kay, D.D.S.
2. 18 DEN 005 – Roberto E. Monteagudo, D.D. S.
3. 18 DEN 018 – Betsy A. Long, D.D.S.
4. 18 DEN 159 – Joel P. Crane, D.D.S.
5. 19 DEN 030 – Thomas R. Machak, D.D.S.

Motion carried unanimously.

### **Administrative Warnings**

#### ***19 DEN 022 – C.P.M.***

**MOTION:** Peter Sheild moved, seconded by Leonardo Huck, to issue an Administrative Warning in the matter of C.P.M., DLSC Case Number 19 DEN 022. Motion carried unanimously.

### **Case Closings**

#### ***18 DEN 046, 18 DEN 050, 18 DEN 057, 18 DEN 061 – A.A.P.***

**MOTION:** Dennis Myers moved, seconded by Peter Sheild, to refer DLSC Case Numbers 18 DEN 046, 18 DEN 050, 18 DEN 057, and 18 DEN 061, against A.A.P., to DLSC for further investigation. Motion carried unanimously.

#### ***18 DEN 049 – D.W.W.***

**MOTION:** Peter Sheild moved, seconded by Dennis Myers, to close DLSC Case Number 18 DEN 049, against D.W.W., for No Violation. Motion carried unanimously.

#### ***18 DEN 085 – C.T.W.***

**MOTION:** Leonardo Huck moved, seconded by Shaheda Govani, to close DLSC Case Number 18 DEN 085, against C.T.W., for No Violation. Motion carried unanimously.

#### ***18 DEN 145 – J.D.S.***

**MOTION:** Shaheda Govani moved, seconded by Dennis Myers, to close DLSC Case Number 18 DEN 145, against J.D.S., for No Violation. Motion carried unanimously.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Dennis Myers moved, seconded by Wendy Pietz, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:57 a.m.

## **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

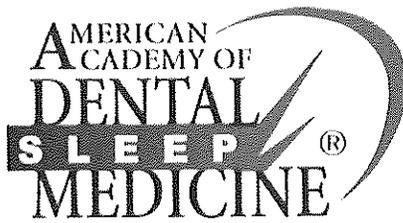
**MOTION:** Dennis Myers moved, seconded by Peter Sheild, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

*(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)*

## **ADJOURNMENT**

**MOTION:** Dennis Myers, seconded by Wendy Pietz, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:58 a.m.



January 10, 2020

Matthew Bistan, DDS  
Chairperson, Wisconsin Dentistry Examining Board  
DSPS  
PO Box 8366  
Madison, WI 53708-8366

Dear Dr. Bistan:

On behalf of the American Academy of Dental Sleep Medicine, I am requesting clarification on the scope of practice in Wisconsin as it relates to the treatment of sleep apnea with oral appliance therapy.

As you may be aware, *The Role of Dentistry in the Treatment of Sleep Related Breathing Disorders* published by the ADA encourages dentists to screen patients for sleep-related breathing disorders and refer those at risk to the appropriate physician for diagnosis. The ADA policy also indicates that dentists who provide oral appliance therapy may use unattended cardiorespiratory portable monitors, commonly referred to as home sleep apnea tests, HSAT or HST, to help determine the optimal position of the appliance.

As the largest professional organization exclusively representing dentists who are trained to screen, treat and manage patients with sleep apnea, we are asking you to verify whether licensed dentists in your state may do the following:

1. Is it within a dentist's scope of practice to dispense portable monitors when ordered by physicians for patients at risk for sleep apnea? The test results are provided to a physician for interpretation and diagnosis.
2. Is it within a dentist's scope of practice to order portable monitors for patients identified by the dentist as being at risk for sleep apnea? The test results are provided to a physician for interpretation and diagnosis.
3. Is it 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?
4. If a dentist does not use a portable monitor to determine the optimal effective position, is it within a dentist's scope of practice to order a portable monitor to verify the effectiveness of an oral appliance? The test results are provided to physicians for interpretation and therapeutic effectiveness is determined by physicians.

The information you provide will be included on the AADSM website as a resource to our members. Please send your responses, as well as any questions, to Coreen Vick, Director of Clinical Services of the American Academy of Dental Sleep Medicine, at [cvick@aadsm.org](mailto:cvick@aadsm.org) or 630-686-9875.

Sincerely,  
Nancy L. Addy, DDS  
President

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CC: Christian Albouras - Executive Director, Wisconsin Dentistry Examining Board