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**VIRTUAL/TELECONFERENCE  
DENTISTRY EXAMINING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Adam Barr, (608) 266-2112**  
**September 1, 2021**

*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 July 7, 2021 (4-8)**
- D. Introductions, Announcements and Recognition**
- E. Reminders: Conflicts of Interest, Scheduling Concerns**
- F. Administrative Matters**
  - 1) Department, Staff and Board Updates
  - 2) Board Members – Term Expiration Dates
    - a. Bahr, Lisa – 7/1/2022
    - b. Bistan, Matthew – 7/1/2025
    - c. Govani, Shaheda – 7/1/2022
    - d. Kaske, Herbert – 7/1/2022
    - e. Kenyon, Chris – 7/1/2022
    - f. Kolste, Deb – 7/1/2024
    - g. Pietz, Wendy – 7/1/2021
    - h. Schrubbe, Katherine – 7/1/2022
    - i. Sheild, Peter – 7/1/2022
    - j. Whalen, Diana – 7/1/2024
- G. Use of Botox and Dermal Fillers – Discussion and Consideration (9-10)**
- H. Legislative and Policy Matters – Discussion and Consideration**
- I. Administrative Rule Matters – Discussion and Consideration**
  - 1) Pending or Possible Rulemaking Projects
- J. Education and Examination Matters – Discussion and Consideration**

- 1) Conscious Sedation Pre-Certification Education Program Project Update **(11)**

## **K. COVID-19 – Discussion and Consideration**

### **L. 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

## **M. 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.).**

## **N. Division of Legal Services and Compliance (DLSC) Matters**

- 1) **Proposed Stipulations, Final Decisions and Orders**
  - a. 20 DEN 004 – Kendl Barris-Loftus, RDH **(12-22)**
  - b. 21 DEN 045 – Oleksii Gudym, DDS **(23-31)**
- 2) **Administrative Warnings**
  - a. 21 DEN 022 – S.P.M. **(32-33)**
- 3) **Case Closing(s)**
  - a. 19 DEN 101 – A.C.T. **(34-40)**
  - b. 20 DEN 013 – N.S. **(41-53)**
  - c. 21 DEN 049 – D.E.B. **(54-57)**

- d. 21 DEN 054 – R.J.M. (58-62)
- e. 21 DEN 063 – F.A.Y. (63-65)

**O. Credentialing Matters**

**1) Application Reviews**

- a. Edilia Marshall – Dentist Applicant (66-212)

**P. 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

**Q. Consulting with Legal Counsel**

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

**R. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate**

**S. Open Session Items Noticed Above Not Completed in the Initial Open Session**

**ADJOURNMENT**

**NEXT MEETING: NOVEMBER 3, 2021**

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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. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE  
DENTISTRY EXAMINING BOARD  
MEETING MINUTES  
JULY 7, 2021**

**PRESENT:** Lisa Bahr, RDH; Matthew Bistan, DDS; Shaheda Govani, DDS; Herbert Kaske, DDS; Christine Kenyon (*excused at 11:32 a.m.*); Debra Kolste; Wendy Pietz, DDS; Katherine Schrubbe, RDH; Diana Whalen, RDH

**EXCUSED:** Leonardo Huck, DDS; Peter Sheild, DDS

**STAFF:** Adam Barr, Executive Director; Jameson Whitney, Legal Counsel; 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 nine (9) members present.

**ADOPTION OF AGENDA**

**MOTION:** Katherine Schrubbe moved, seconded by Debra Kolste, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF MAY 5, 2021**

**MOTION:** Lisa Bahr moved, seconded by Katherine Schrubbe, to approve the Minutes of May 5, 2021 as published. Motion carried unanimously.

**WORKFORCE SURVEY**

**Appearance: Secretary-designee Dawn Crim**

**MOTION:** Debra Kolste moved, seconded by Diana Whalen, to acknowledge and thank Dawn Crim, DSPS Secretary-designee, for her virtual appearance and presentation to the Board. Motion carried unanimously.

**MOTION:** Shaheda Govani moved, seconded by Diana Whalen, to express support for the inclusion of an optional workforce survey in the renewal process. Motion carried unanimously.

**CENTERS FOR DISEASE CONTROL (CDC) DENTAL GUIDANCE UPDATE**

**Appearance: Dr. Russell Dunkel, DDS, FPPA, FICD, FACD, Wisconsin State Dental Director**

**MOTION:** Katherine Schrubbe moved, seconded by Debra Kolste, to acknowledge and thank Dr. Russell Dunkel, DDS, FPPA, FICD, FACD, Wisconsin State Dental Director, for his virtual appearance and presentation to the Board. Motion carried unanimously.

## ADMINISTRATIVE MATTERS

### Election of Officers

#### *Vice Chairperson*

**NOMINATION:** Matthew Bistan nominated Shaheda Govani for the Office of Vice Chairperson. Shaheda Govani accepted the nomination.

Adam Barr, Executive Director, called for nominations three (3) times.

Shaheda Govani was elected as Vice Chairperson by unanimous voice vote.

#### *Secretary*

**NOMINATION:** Matthew Bistan nominated Herbert Kaske for the Office of Secretary. Herbert Kaske accepted the nomination.

Adam Barr, Executive Director, called for nominations three (3) times.

Herbert Kaske was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
Vice Chairperson	Shaheda Govani
Secretary	Herbert Kaske

#### CLOSED SESSION

**MOTION:** Lisa Bahr moved, seconded by Katherine Schrubbe, 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: Lisa Bahr-yes; Matthew Bistan-yes; Shaheda Govani-yes; Herbert Kaske-yes; Christine Kenyon-yes; Debra Kolste-yes; Wendy Pietz-yes; Katherine Schrubbe-yes; and Diana Whalen-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:28 a.m.

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

#### Stipulations, Final Decisions and Orders

- MOTION:** Herbert Kaske moved, seconded by Katherine Schrubbe, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:
1. 18 DEN 048, 18 DEN 084, 18 DEN 121, 19 DEN 119 – Michael C. Fisher, DDS
  2. 19 DEN 021 – Mark J. Kortebein, DDS
  3. 20 DEN 001 – Parimal G. Sapovadia, DMD
- Motion carried unanimously.

### **Administrative Warnings**

#### ***18 DEN 040 – D.C.W.***

- MOTION:** Matthew Bistan moved, seconded by Herbert Kaske, to issue an Administrative Warning in the matter of D.C.W., DLSC Case Number 18 DEN 040. Motion carried unanimously.

### **Case Closings**

- MOTION:** Matthew Bistan moved, seconded by Diana Whalen, to close the following DLSC Cases for the reasons outlined below:
1. 19 DEN 063 – S.L.S. – Prosecutorial Discretion (P1)
  2. 19 DEN 080 – Unknown – No Violation
  3. 20 DEN 010 – C.B.J. – No Violation
  4. 20 DEN 022 – D.R.S. – No Violation
  5. 20 DEN 024 – R.C. – No Violation
  6. 20 DEN 079 – J.C.Y. – No Violation
  7. 20 DEN 084 – R.M., G.C. – No Violation
  8. 20 DEN 088 – M.G. – No Violation
  9. 20 DEN 090 – J.S., P.S. – No Violation
  10. 20 DEN 102 – A.L.N., K.H.N. – Prosecutorial Discretion (P2)
  11. 20 DEN 128 – C.E.R. – No Violation
  12. 21 DEN 025 – N.H.K. – Prosecutorial Discretion (P1)
- Motion carried unanimously.

*(Christine Kenyon was excused at 11:32 a.m.)*

### **CREDENTIALING MATTERS**

- MOTION:** Shaheda Govani moved, seconded by Debra Kolste, to approve the Anesthesia/Conscious Sedation application of the following applicants, once all requirements are met, and to send a general statement regarding review of standards for moderate sedation.
1. Eric Carlson
  2. Mark Chambers
  3. Sarah Chambers
  4. Shane Fisher
  5. Robert Heil
  6. Anthony Hernandez

7. Chad Isken
8. James Kertis
9. Matthew Langewisch
10. Jaime Marchi
11. Mario Maritato
12. Tony Martin
13. Jeffrey O'Brien
14. Stephanie Race
15. Sidney Schulz
16. Nikki Smith
17. Bret Trent

Motion carried unanimously.

**MOTION:** Shaheda Govani moved, seconded by Debra Kolste, to approve the Anesthesia/Conscious Sedation application of the following applicants once all requirements are met.

1. Emily Benyaich
2. Michael Benyaich
3. Matthew Bistan
4. Emma Czechowicz
5. Anthony Schwigel
6. Patrick Sedlar
7. Jacob Siegert
8. Rana Suhail
9. Dedra Davis Wallace

Motion carried. Opposed: Wendy Pietz. Recused: Matthew Bistan.

### **Jeremy Lois**

**MOTION:** Wendy Pietz moved, seconded by Shaheda Govani, to delegate the matter of the Anesthesia/Conscious Sedation application of Jeremy Lois back to the Credentialing Liaison Alternate Wendy Pietz for resolution. Motion carried unanimously.

### **Thomas Morien**

**MOTION:** Wendy Pietz moved, seconded by Shaheda Govani, to issue a three-option letter in the matter of the Anesthesia/Conscious Sedation application of Thomas Morien once all requirements are met. Reason for Denial: Board has not approved education program under DE 11.035(2). Motion carried unanimously.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Lisa Bahr moved, seconded by Katherine Schrubbe, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 12:04 p.m.

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

**MOTION:** Shaheda Govani moved, seconded by Lisa Bahr, 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:** Herbert Kaske, seconded by Katherine Schrubbe, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:06 p.m.

DRAFT



**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Adam Barr, Executive Director on behalf of Mark Paget		<b>2) Date when request submitted:</b> 7/21/21 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> Dentistry Examining Board			
<b>4) Meeting Date:</b> 9/1/21	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Use of Botox and Dermal Fillers – Discussion and Consideration	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b> The Wisconsin Dental Association would like the board to consider updating its statement on Botox and Dermal Fillers in Dentistry.			
<b>11) Authorization</b>			
<i>Adam Barr</i>		8/25/21	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

**Executive Office**

6737 W. Washington St.  
Suite 2360  
West Allis, Wisconsin 53214  
414.276.4520  
414.276.8431 FAX

July 20, 2021



**Legislative Office**

122 W. Washington Ave.  
Suite 600  
Madison, Wisconsin 53703  
608.250.3442  
608.282.7716 FAX

Dr. Matthew Bistan, Chair  
Dentistry Examining Board  
4822 Madison Yards Way  
Madison, WI 53705

**RE: Use of Dermal Fillers and Botox in Dentistry**

Dear Dr. Bistan,

The Wisconsin Dental Association would like to take a moment of your time to request further guidance and consideration from the Dentistry Examining Board in regards to the use of derma fillers and Botox in dentistry. It is going on close to 10 years since the last review and white paper were created by the board stating:

“At the January 4, 2012 meeting of the Dentistry Examining Board the following policy position was adopted:

The use of dermal fillers and botox by a licensed dentist in the state of Wisconsin is allowable for functional, therapeutic, and aesthetic treatment purposes in accordance with the practice of dentistry as defined in s. 447.01 of the Wisconsin Statutes. It is expected that dentists will obtain appropriate training to be able to perform such services competently. Such training shall be provided by organizations or institutions recognized to provide continuing education courses in accordance with s. 447.056 of the Wisconsin Statutes.”

The way we understand this statement is that licensed dentists can only perform Botox and derma filler procedures under their own scope of practice if the procedures are “directly related to dental services and only if they are performed within the oral cavity or to adjacent tissues and structures.” These types of procedures that are performed solely for aesthetic purposes are within the scope of practice of medicine and dentists can perform them at any time under the direction of a physician but at no times under his/her own dental license unless the two aforementioned criteria have been met. At the time of this statement being created and posted online, we believe the interpretation was to not have the Dentistry Examining Board micromanage dentists but, to give some guidance to general dentists that they simply cannot go to a weekend course on Botox and derma fillers and begin to incorporate that into their practice by administering these procedures immediately afterwards.

As we know, a lot has changed in dentistry over the past 10 years, which includes more offices being interested in providing these types of services beyond the basic oral health needs. This also now includes having Registered Dental Hygienists take the additional educational courses on these services and be able to provide them in the practice under the supervision of the dentist. If an RDH were to take the same courses and have documentation of the training, with the wording in the statutes, it would also fall under the same guidance of the dentist providing Botox and derma filler services as long as the dentist remains on site.

In our ever changing world at the moment, dentists are trying to find ways to increase their services and patient flow into the practice and reach out to new ventures that they didn't before. The WDA has been contacted numerous times in regards to our opinion and more defined guidance on how dentists can extend their services into this area. With only your white paper posted, and to suggest they also reach out to their liability carriers to make sure they have coverage for cosmetic services, there is not much guidance we can provide. So we ask if you would consider updating your Botox and Derma Fillers In Dentistry statement to help guide dentist and hygienists down the road. There are more and more continuing education courses offered for these services so more than likely we will see more and more offices offering them. We want to make sure we are all on the same page with how they can do this.

Your review and assistance in how to guide providers in the profession of dentistry is appreciated. Thank you!

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark S. Paget', is written over a light blue wavy graphic that spans the bottom of the page.

Mark S. Paget  
Executive Director

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Kristin Carlton, License Examination Specialist-Sen		<b>2) Date when request submitted:</b> 08/24/21 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
<b>3) Name of Board, Committee, Council, Sections:</b> Dentistry Examining Board			
<b>4) Meeting Date:</b> 09/01/21	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Office of Education and Examinations-Conscious Sedation Pre-Certification Education Program Project Update	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i>  <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b> Update to the board on review of conscious sedation course materials and next steps.			
<b>11) Authorization</b>			
Kristin Carlton		08/24/21	
<b>Signature of person making this request</b>		<b>Date</b>	
Joan Gage		8/24/2021	
<b>Supervisor (if required)</b>		<b>Date</b>	
_____		_____	
<b>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</b> <b>Date</b>			
_____			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			