

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE
NEWARK, NEW JERSEY

JANUARY 6, 2010

8:00 A.M. - Complaint Review Committees

ATTENDANCE: The following members were in attendance:
Shirley Birenz, RDH; Steven Brisgel; Emil Cappetta, DDS; Sheila Dashkow, DMD; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Alexander Hall, DMD; John Ricciani, DMD; Arnold Rosenheck, DMD

OTHER ATTENDEES: Deputy Attorneys General Nancy Miller and Swang Oo; Executive Director, Jonathan Eisenmenger; Cecilia Moreira, Senior Management Assistant; Michael Dominach, Paralegal

ABSENT AND/OR EXCUSED: Beverly Kupiec, RN, Ph.D.

ROLL CALL: The Public Session Agenda commenced at 11:00 A.M.

NOTICE: Dr. Lydia David is a newly appointed member to the Board. Dr. David was welcomed by all members.

I. APPROVAL OF MINUTES: December 2, 2009 - Approved as amended.

II. EXECUTIVE DIRECTOR'S REPORT:

1. 2010 National Dental Examiner's Forum in April 2010 - Dr. Peter DeSciscio will represent the Board
2. Report of the Board statistics - In December there were 124 applications received and 123 licenses granted. In 2009 the Board received 1800 applications and granted 1679 licenses.

III. COMMITTEE REPORTS:

1. Credentials:

- Valerie Heard, RDA - Application for registration as a dental assistant. This matter was moved to Executive Session for deliberation.

The Board returned to Public Session and determined to grant Ms. Heard a registration.

IV. REPORTS SUBMITTED PURSUANT TO N.J.A.C. 13:30-8.8:

The Board reviewed the following incident reports:

1. Dr. Robert S. Goldstine - This was taken as informational.
2. Dr. Seth Margulies - This was taken as informational.
3. UMDNJ - New Jersey dental school (2 reports) - These were taken as informational.

V. REQUEST FOR REINSTATEMENT FOLLOWING DISCIPLINARY ACTION:

1. Coreen Noguera, Dental Hygienist - The Board reviewed a request from Ms. Noguera for reinstatement of her New Jersey dental hygiene license. Ms. Noguera voluntarily surrendered her license on July 1, 2009. The Board moved this matter to Executive Session for deliberation.

The Board returned to public session and determined to grant the license with restrictions. Ms. Noguera must inform her employers of the Board's action and she must continue with the recommendations of the Professional Assistance Program.

VI. INFORMATION REQUIRED BY THE BOARD'S DISCIPLINARY ACTION:

1. Dr. Gerald P. Hirsch - The Board reviewed additional information provided by Dr. Hirsch in follow-up to the Board's Final Order of December 12, 2008. The Board determined that a copy of his current earning statements (i.e., tax returns) proof of continuing education, and a letter from Dr. Alan Savage concerning his work as a "consultant" be obtained. Dr. Hirsch will be reminded that he must submit information quarterly.
2. Dr. John A. Kirkowski - The Board reviewed additional information provided by Dr. Kirkowski in follow-up to the Board's Consent Order filed on November 12, 2009. The Board noted that he must conduct weekly spore testing and submit proof to the Board along with the monthly updates he is already providing the Board.

The pictures provided by Dr. Kirkowski fail to show any soap next to the sinks, and no plastic protective barriers over the equipment. Dr. Kirkowski must obtain these and then schedule a follow-up inspection by the Enforcement Bureau.

3. Dr. David J. Snyder - The Board reviewed information provided by Dr. Snyder with regard to the audit required by the Board's Consent Order filed on July 11, 2007. The Board took this as informational.

VII. REQUEST FOR MODIFICATION TO THE BOARD'S ORDER:

1. Dr. Alfred Sabato - Dr. DeSciscio was recused.
The Board reviewed a request from the Professional Assistance Program for reduction in Dr. Sabato's urine screening to once weekly. This is in follow-up to the Board's Consent Order filed on November 5, 2008. The Board moved to Executive Session for deliberation.

The Board in a motion by Dr. Rosenheck, seconded by Dr. Dashkow, approved this request. All other terms of the Consent Order remain in effect.

2. Dr. Kevin Ward - The Board reviewed additional information provided by Dr. Ward in follow-up to his request for removal of the remaining restrictions on his license. The Board moved to Executive Session for deliberation.

The Board in a motion by Dr. Riccianni, seconded by Dr. Feinberg, declined to make any modifications at this time. The Board suggested it would be willing to consider his request after another year.

VIII. OTHER MATTERS:

1. The Board reviewed an inquiry from Dr. Michael Conte and Dr. August D. Pellegrini from the New Jersey Dental School with regard to dispensing of medication. The Board determined that the arrangement described in the letter appears to be acceptable.

NOTE: The Board requested that this be added to the list of items to be reviewed for sunset. A better definition is needed about dispensing drugs to a patient or member of the public, rather than another medical professional who ultimately dispenses it.

2. The Board reviewed correspondence from Dr. Benjamin B. Peck with regard to a dental clinic they are opening at "Cathedral Kitchen." The Board determined that they be advised that they must follow the requirements for industrial/corporate clinics NJAC 13:30-4.1. An application and the regulations will be sent. The Board encourages and supports what they are doing.

NOTE: The Board requested this be added to the list of items to be reviewed for sunset, specifically the differences between non-profits and other organizations, and whether different requirements are appropriate.

3. The Board reviewed an inquiry from Dr. Richard N. Tennenbaum requesting clarification regarding general anesthesia rules and regulations. Specifically, he asked about whether a nurse anesthetist needs to be supervised by a dentist. The Board determined that additional information be obtained. What types of anesthesia were contemplated by his question.
4. The Board reviewed correspondence from Howard Van Gorp, CDT, concerning an on-site denture cleaning service to nursing homes, assisted living, independent and home bound clients. The Board noted that this is acceptable and that all infection control guidelines must be followed.
5. The Board reviewed letters from Arthur Meisel, Esq., from the New Jersey Dental Association concerning tooth whitening. The Board noted that as previously stated tooth whitening is the practice of dentistry. The Board has not changed its position on this.
6. The Board reviewed follow-up correspondence from Dr. Jeffrey Pancer concerning "dental care for patients with obstructive sleep apnea." Dr. Pancer is requesting an opportunity to make a presentation before the Board. The Board in a motion by Dr. Feinberg, seconded by Dr. Hall, approved a brief presentation.
7. The Board reviewed a copy of the American Association of Dental Boards - The Bulletin. The Board took this as informational.

IX. COPIES OF FILED ORDERS IN THE MONTH OF DECEMBER, 2009:

The Board took the following as informational:

1. Dr. Michael F. Monica - Final Order of Discipline filed on December 2, 2009.
2. Dr. Vincent LaBruna - Order of Reinstatement of License filed on December 8, 2009.
3. Janina Campos (Unlicensed) - Offer of Settlement in Lieu of Formal Action filed on December 14, 2009.
4. Rosario Finistrella (Unlicensed) - Offer of Settlement in Lieu of Formal Action filed on December 15, 2009.

X. ADJOURNMENT: