

New Jersey State Board of Dentistry

Public Session Minutes

BOARD OFFICE
NEWARK, NEW JERSEY JANUARY 2, 2002

The meeting was called to order at 10:00 A.M. by Dr. Emil Cappetta, President of the Board.

OPEN PUBLIC MEETINGS ACT NOTICE:

Read by Kevin Earle, Executive Director.

ATTENDANCE:

The following members of the Board were in attendance: Dr. Valentine Bloch; Dr. Emil Cappetta; Mr. Louis Cardena; Dr. Anthony Chibbaro; Patricia Delaney, RDH; Mrs. Helen Huber; Dr. William Orlacchio; Dr. John Ricciani; Dr. Barbara Rich;; Dr. Abraham Samansky.

ADDITIONAL ATTENDEES WERE:

Nancy Costello Miller, Deputy Attorney General; Rhonda Pope Stephens, Deputy Attorney General; Bernadette Dudek, Division Representative; Kevin B. Earle, Executive Director; Cecilia Moreira, Management Assistant; Michael Dominach, Paralegal

ABSENT AND/OR EXCUSED:

Dr. Arnold Rosenheck

EXECUTIVE DIRECTOR'S REPORT:

1. Kevin Earle, Executive Director, informed the Board of the status of Dental Hygiene renewals and Licensing 2000 Data conversion.

COMMITTEE REPORTS:

Dental Auxiliaries Report:

3. The committee recommends that the following applicants be approved for dental hygiene license by N.E.R.B. past five years and N.E.R.B.

- Kathleen Kolendra
- Kathleen Manley

4. The committee recommends that the following applicant take the N.E.R.B. exam in order to qualify for a dental hygiene license in New Jersey:

- Stephanie Stumpf

5. **Devon Groch** - The committee discussed her Registered Dental Assistant application in which she disclosed an arrest for DWI in 1998. After considering the materials submitted the committee recommends that her application be approved.

The Board in a motion by Ms. Delaney, seconded by Mrs. Huber approved the committee's recommendations.

Specialty Permits:

1. **Dr. David Engelberg** - Dr. Bloch reviewed and reported on this application for a Parenteral Conscious Sedation permit. The Board in a motion by Dr. Bloch, seconded by Dr. Chibbaro approved this application.

Committee Report concerning the Law & Jurisprudence exam:

1. The Board discussed the committee's recommendation to change the Law & Jurisprudence exam from open book to closed book. The Board in a motion by Ms. Delaney seconded by Dr. Rich determined that this will take affect in June 2002. The Dental, Dental Hygiene and Registered Dental Assistant schools are to be notified.

PROPOSED REGULATION:

1. N.J.A.C. 13:30-8.18 - Proposed Rule on Dental Decisions Affecting Treatment; Obligations;

Professional Misconduct -

Charles Manning from the Division's Regulatory Section was present to assist the Board with discussion of this proposal. The discussion on this proposal was recorded. Dr. Ricciani and Dr. Rosenheck recused themselves from participation in this matter.

The Board reviewed and discussed the comments received as well as the report from the hearing officer who conducted the public hearing on this rule proposal. The following individuals submitted comments in favor of the proposal:

- Dr. Steven Fink & Dr. Ronald Forte
- Dr. Henry W. Finger
- Dr. Cyrus J. Amato
- Dr. Jeffrey Mermelstein
- Dr. Robert A. Giantomas
- Dr. M. Arnold Graham
- Dr. Scott M. Dubowsky
- Dr. Stuart Merrian
- Arthur Meisel, Esq.

The following individuals submitted comments in opposition to this proposed regulation:

- Deborah A. Wean, Esq.
- Dr. Sanford E. Klein (Fortis Benefits Ins. Comp.)
- Douglas G. Sanborn, Esq. (Delta Dental)
- Dr. Jack L. Norsen (Cigna Dental)
- Thomas P. Bryan, Director (State Health Benefits Program, Div. of Pensions & Benefits)
- Thomas B. Considine (MetLife)

After discussing this matter the Board in a motion by Dr. Rich, seconded by Dr. Orlacchio requested that the minor recommended changes within the text be made and that responses to the commenters be prepared. Additional comments on the proposal will be discussed at the Board's next meeting.

INCIDENT REPORTS:

1. **David L. Sykes, DMD** - The Board took this as informational.

CONTINUING EDUCATION

1. **Robert B. Germani, D.M.D.** - The Board discussed a request for an extension to complete the continuing education credits for licensure renewal. Dr. Ricciani was recused from this matter. After discussing this matter, the Board granted Dr. Germani a six month extension to complete the credits. The Board also moved this matter to Executive Session for further discussion.

2. **Roseanne Vassallo (Dental Hygienist)** - The Board discussed a request for and extension to complete the continuing education credits for licensure renewal. Ms. Vassallo is short two credits. After discussing this matter, the Board granted an extension until March 1, 2002.

3. Discussion concerning continuing education for dentists that provided forensic services during the World Trade Center disaster. After discussing this matter the Board in a motion by Dr. Bloch, seconded by Dr. Ricciani determined that up to eight hours of continuing education credit will be given to a licensee on a case by case basis.

REQUESTS FOLLOWING DISCIPLINARY ACTION:

1. **Kevin P. Ward, D.D.S.** - The Board reviewed a request from Dr. Ward to be permitted to work in a clerical capacity at a dental office. After discussing this matter, the Board determined that as indicated in the Directives for disciplined licensees which are attached to the Board's Order, such activity would not be permitted.

2. **John Carchman, D.D.S.** - The Board reviewed a request from Dr. Carchman for reinstatement of license to the active practice of dentistry. The Board also reviewed a letter from the Deputy Attorney General expressing opposition to the consideration of the application, citing that no evidence has been produced demonstrating that the conditions found by the Board's inspectors have been corrected. The Board was further informed that a recent random urine screen tested positive for cocaine metabolites. The Board denied Dr. Carchman's request for reinstatement at this time.

OTHER MATTERS:

1. **Dr. John McIntyre** - Finalization of the Provisional Order of Discipline. The Board in a motion by Ms. Delaney, seconded by Dr. Ricciani moved this matter to Executive Session.

After returning to Public Session, the Board was informed that no response had been received by Dr. McIntyre during the time frames required by the Provisional Order. In a motion by Dr. Orlacchio, seconded by Ms. Delaney the Board directed that a Final Order of Discipline be issued suspending Dr. McIntyre's license for failure to cooperate with a Board inquiry, as well as insurance fraud.

2. **AADE** - Information concerning the 2002 AADE Mid-Year Meeting and Forum on Examinations. The following members will attend this meeting: Dr. Rich, Ms. Delaney and Mr. Earle.

ADJOURNMENT: