

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE
NEWARK, NEW JERSEY

APRIL 3, 2013

NOTE: The Public Session meeting was called to order at 10:30 A.M.

ATTENDANCE: The following members were in attendance:
Shirley Birenz, RDH; Emil Cappetta, DMD; Nicholas C. DeRobertis,
DMD; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Maxine
Feinberg, DDS; Roger M. Kriete, DMD; Beverly Kupiec, RN, PhD;
Richard D. Riva, DDS

OTHER ATTENDEES: Deputy Attorney General Miller; Executive Director
Jonathan Eisenmenger; Cecilia Moreira, Senior Management
Assistant

ABSENT AND/OR EXCUSED: Mr. Steven Brisgel; Sheila Dashkow, DDS;
Lydia David, DMD

I. APPROVAL OF MINUTES: March 20, 2013 - Approved as amended.

II. COMMITTEE REPORTS:

1. Applications:

- Dr. Jerome M. Horowitz - Application for reinstatement of his New Jersey dental license. Dr. Horowitz requests an extension to complete the required continuing education credits. The Board in a motion by Dr. Feinberg, seconded by Dr. Cappetta, move to Executive session for discussion.

The Board determined that Dr. Horowitz must complete the required continuing education credits prior to reinstatement of license.

2. Continuing Education:

- Dr. Sleiman Razzouk - Dr. Razzouk reported that he currently lives and works overseas, and requests guidance about completing the continuing education course work for renewal in October 2013.

The Board determined that he can complete at least half of the courses online, and submit any other courses he takes overseas (with English translations, if necessary) for the Board to review.

- The Art of Botox Applications - The Board discussed a request for approval of this continuing education course. The first four hours are home-study and there is no section that provides students with the regulations of the Board. This course does not meet the requirements set forth in NJAC 13:30-8.4A, Administration of Injectable Pharmacologics. The Board approved this course only for regular continuing education credit to be used for licensure renewal; it does not satisfy requirement for licensees to be permitted to use injectable pharmacologics.

3. Beach Bum Tanning:

- The committee reported on its discussions of teeth whitening as related to the practice of dentistry.

The Board in a motion by Dr. Feinberg, seconded by Dr. Kriete, moved this discussion to executive session for advice of counsel, any need for investigation, and deliberation about the committee's work on this topic. When action is to be taken, it will be reported in public session.

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

1. Dr. Antonella Maietta - The Board requested that additional information be obtained.

IV. REPORTS FROM THE PROFESSIONAL ASSISTANCE PROGRAM:

1. Dr. Edward Wallendjack - The Board reviewed a report from PAP indicating that Dr. Wallendjack has decided to retire from his practice of dentistry and that this is its final report. A Consent Order was filed on June 13, 2011 with certain conditions including reports from PAP. The Board moved this matter to executive session for discussion.

Upon return to public session, the Board determined that Board staff confirm with Dr. Wallendjack and then place his license on retired status.

2. Dr. W. Thomas Breithaupt - The Board reviewed a report from PAP requesting that the Board's Order reinstating license with restrictions filed on March 3, 2010 be vacated. The Board moved this matter to executive session for discussion.

The Board determined that an Order Removing Restrictions be filed.

3. Dr. Walter Bilotta - The Board reviewed a report from PAP and a report from his psychiatrist. The psychiatrist is discharging Dr. Bilotta from her care indicating that he does not require further psychiatric intervention. The Board moved this matter to executive session for discussion.

The Board determined that a public letter modifying the terms of the Order be sent indicating that he is released from the psychiatrist monitoring, but he must continue with the PAPNJ and follow the other terms of the public Order.

V. OTHER MATTERS:

1. The Board reviewed additional information from Dr. Elana Wolf-Silver in follow-up to her request to use the credits awarded by the American Board of Pediatric exam towards the continuing education requirements for licensure renewal. The Board requests a rationale from the American Board of Pediatric Dentistry for how that organization determined the number of credits to be 60 credits. The Board will also ask Dr. Wolf-Silver if she took a review course prior to taking this exam.

2. NERB - The Board reviewed correspondence from Ellis H. Hall, DDS, NERB Director of Examinations, questioning whether the Board would recommend the following to become examiners for NERB:

- Barbara Jacobs, Hygienist
- Dr. August D. Pellegrini

The Board in a motion by Dr. Feinberg, seconded by Dr. Cappetta, referred these individuals' credentials to the Board's NERB committee for evaluation and recommendation.

Also, the Board requested that a letter be sent to NERB asking whether the need exists for new examiners, and whether it has a list of individuals who have already been approved by the New Jersey Board.

3. Dr. Edward Feins - The Board reviewed an inquiry concerning a Preferred Patient Program he is proposing to offer to their patients without dental insurance. The Board in a motion by Dr. Feinberg, seconded by Dr. DeRobertis, indicated that the regulations are silent in this regard and he should consult with a private attorney. However, he must be careful to comply with N.J.A.C. 13:30-6.2(n)(4): discounts must be made available to all patients, without regard to insurance coverage.
4. Dr. Robert DeRosso - The Board reviewed an inquiry concerning entities like, Groupon, Living Social and other internet services to market services as a discount. The Board tabled this matter pending advice of counsel.
5. The Board reviewed a request from Debra D. Wales for interpretation of Board regulations concerning duties of Registered Dental Assistants. The Board answered the questions as follows:
 1. After trial-sizing orthodontic bands and having the doctor check the fit and position, is the RDA permitted to cement the bands? - **NO**
 2. If a patient is in the midst of active orthodontic treatment and presents as an emergency with a loose bracket or band is the RDA permitted to re-cement the band or bracket? - **NO**
Must the doctor be on premises? - **YES**
 3. When a patient completes orthodontic treatment and is fitted for retainers, is the RDA permitted to deliver the retainers? - **NO**
Must the doctor be on premises? - **YES**A copy of the regulations will be sent to Ms. Wales.
6. The Board reviewed an inquiry from Dr. BettyJo Simas questioning whether a dentist is allowed to administer a home sleep test to monitor the oral appliance after it is inserted. The Board determined that additional information be obtained concerning the home sleep test she is referring to.

VI. PUBLIC COMMENT:

1. A request was made from Mr. Meisel and Mr. Bent to have the Board's Public Meeting start at 10:00 A.M. instead of 9:30 A.M. The Board in a motion by Dr. DeRobertis, seconded by Dr. Riva, approved this request. The Public meetings will be noticed for 10:00 A.M.

VII. ADJOURNMENT: The Board adjourned the Public Session and moved to Executive Session for advice of counsel and review of open matters (investigations and deliberations). When and if action is taken, it will be reported in Public Session.