

**NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
BOARD OFFICE
NEWARK, NEW JERSEY APRIL 6, 2005**

ATTENDANCE: The following members were in attendance:

Emil Cappetta, DDS; Patricia Delaney, RDH, Ed.M.; Peter DeSciscio, DMD; Maxine Feinberg, DDS; Alexander Hall, DMD; Beverly Kupiec, RN, Ph.D.; Catherine McLaughlin; Sally-Jo Placa, DMD; Arnold Rosenheck, DMD

OTHER ATTENDEES: Deputy Attorneys General Nancy Costello Miller and Joseph Donofrio; Cecilia Moreira, Senior Management Assistant

ABSENT AND/OR EXCUSED: Herbert Dolinsky, DDS; Laura Leach, MBA; John Ricciani, DMD

NOTE: Cecilia Moreira, Senior Management Assistant advised the Board that Ms. Leach has indicated that she will be resigning from the Board. She has devoted her time to full time teaching.

A. APPROVAL OF MINUTES: March 2, 2005 - The Board in a motion by Dr. Rosenheck, seconded by Dr. Kupiec, approved the minutes as amended.

B. COMMITTEE REPORTS:

1. Pending Applications:

Dental:

- Dr. Norman Klein - Application for a New Jersey dental license. Dr. Klein meets all requirements for licensure by NERB past five years. The committee recommends approval pending receipt of a clear Data Bank report.

- Dr. Shripalee Gor - Application for a New Jersey dental license. Dr. Gor meets all requirements for licensure by NERB past five years. The committee recommends approval pending receipt of a clear Data Bank report and NERB scores.

- Dr. Robert Katz - Application for a New Jersey dental license. Disciplinary action was taken by the New York Board of Dentistry, however, Dr. Katz failed to disclose this on his application. The Board determined that Dr. Katz be scheduled for an appearance.

- Deputy Attorney General Nancy Costello Miller discussed a request from an individual inquiring whether he would qualify for a New Jersey dental license if he has not taken and passed a clinical exam. He took a one year residency in New York. The Board determined that it will not waive the clinical exam. If this matter has not been adequately addressed in the Sunset review of the rules, it will be referred to the Board's regulatory committee for review.

Dental Auxiliaries:

- Denise Kajioka - The committee discussed an application for a dental hygiene license by N.E.R.B. past five years. Ms. Kajioka meets all requirements for licensure. The committee recommends approval.

- Susan Wishnow - The committee discussed an application for a dental hygiene license by N.E.R.B. past five years. Ms. Wishnow meets all requirements for licensure. The committee recommends approval.

- Deborah Dolio - The committee discussed an application for a dental hygiene license by N.E.R.B. past five years. Ms. Dolio meets all requirements for licensure. The committee recommends approval.

- Tamy White - The committee discussed an application for a dental hygiene license by credentials. Ms. White meets all requirements for licensure. The committee recommends approval.

- Dr. Roger Lerner - The committee discussed an inquiry from Dr. Lerner questioning "who in the office is allowed to take intra-oral images." The Board determined that dental auxiliaries with an x-ray license can take x-rays. For photographs, an x-ray license is not required; photos can be taken by any staff member provided the patient consents.

- Joanne Kannell, D.M.D. - The committee discussed a letter received from Dr. Kannell questioning whether Zoom bleaching can be performed by a dental hygienist. The Board determined that dental hygienists can place barriers for bleaching techniques, however, the dentist must place the light and the active ingredients. She will also be advised that the Board is proposing amendments to duties which dentists may delegate to dental auxiliaries in Sunset.

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

2. Continuing Education:

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

C. PROPOSED REGULATIONS:

1. Proposed Amendment: N.J.A.C. 13:30-8.2 and 8.3 - Parenteral Conscious Sedation; Use of General Anesthesia - Written comments may be submitted by April 23, 2005. This proposal will be placed on the Board's May agenda along with comments received.

2. Deputy Attorney General Nancy Costello Miller requested that the draft proposal concerning dentist selling prescriptions from the office be placed on the May agenda.

D. INCIDENT REPORTS:

The Board incident reports submitted by the following:

1. Walter Bilotta, DMD
2. Jerome Silverstein, DDS (UMDNJ)

The Board considered the reports informational.

E. REQUESTS FOR REINSTATEMENT OF LICENSE FOLLOWING DISCIPLINARY ACTIONS:

1. Burton S. Rosen, DDS - The Board reviewed a request from Dr. Rosen for reinstatement of his New Jersey dental license. Dr. Rosen voluntarily surrendered his license, to be deemed a revocation, by Consent Order filed on 12-2-1998. The Board in a motion by Ms. Delaney, seconded by Dr. Feinberg, determined that Dr. Rosen must present evidence of rehabilitation with respect to the crimes surrounding his revocation for evaluation by the Board prior to an appearance.

2. Harry Insabella, DDS - The Board reviewed a letter from psychologist, Dr. E. E. Griffith, along with a copy of a proposed "Rehabilitation Treatment Program". The Board in a motion by Dr. Rosenheck, seconded by Dr. Feinberg, moved this matter to Executive Session for deliberation.

After discussing this matter the Board indicated that Dr. Insabella can choose to participate in the proposed program, however, this is not an indication that the Board will approve or deny reinstatement of his license. His application will be considered on its merits

3. Ralph J. Sharow, DMD - The Board reviewed a request from Dr. Sharow requesting the Board to consider granting him a restricted license to provide services to the State's correctional facilities. He indicated that Dr. Lionel Annicette would be willing to monitor him in any way acceptable to the Board. On February 19, 2003 a Consent Order was filed by the Board revoking Dr. Sharow's license for tax evasion. The Board in a motion by Ms. Delaney, seconded by Dr. Feinberg, determined that a request for reinstatement will not be considered until all terms of the Consent Order have been satisfied.

F. REQUEST FOR RENEWAL OF ANESTHESIA PERMIT:

1. Martin R. Boorin, DMD - The Board reviewed a request from Dr. Boorin for activation of his general anesthesia permit. The permit expired on 10-31-1989. Dr. Boorin indicates that he currently practices as a dentist anesthesiologist in New York by traveling to individual dental offices to provide sedation and anesthesia and wants to practice in New Jersey in a similar fashion. He does not plan on maintaining an office in New Jersey unless it is necessary. The Board determined that prior to issuance of a permit, Dr. Boorin confirm that he has taken continuing education credits since 1989. He must submit proof of attendance of twenty credits for the last two years along with CPR certification for him and two office staff and proof that the office/mobile unit has been inspected. A Data Bank report will also be obtained for Board review.

G. DEPUTY ATTORNEY GENERAL'S REPORT:

1. Paulette Gayle, RDA - The Board reviewed a copy of the Provisional Order of Discipline filed on 2-14-05 and response from Deputy Attorney General Joseph Donofrio. The Provisional Order was based on Ms. Gayle's failure to contact the Dental Assisting National Board and register to retake the General Chairsides portion of the exam. On June 28, 2002, the Board was informed by DANB that there was an error in scoring and Ms. Gayle, who was previously thought to have passed the exam, was now determined to have failed. Paulette Gayle failed to submit a response to the Board's Provisional Order. She did, however, submit an application to the Board to renew her Registered Dental Assistant's license for the January 1, 2005 to December 31, 2006. The Board in a motion by Dr. DeSciscio, seconded by Ms. Delaney, determined to issue a Final Order rescinding her Registered Dental Assistant registration until she satisfies the requirements. The Board indicated that her employer should be notified.

H. OTHER MATTERS:

1. The Board reviewed a letter from Mary Bruns, Senior Special Investigator, NJ Manufacturers Insurance Company, questioning whether the Board has a regulation similar to the NJ Board of Medical Examiners regulation 13:35-6.17(e)1. The Board indicated that it does not have a similar regulation. Dental services are billed out under CDT codes. With regard to the question of the number of auxiliaries a dentist can supervise, the Board indicated that the regulations allow a dentist to supervise three hygienists and there is no regulatory limitation on the number of assistants. The Board noted that the dentist is responsible for the conduct of his office staff.

2. Martin S. Levitt, DDS - The Board reviewed correspondence from Dr. Levitt indicating that he has two members of his orthodontic staff that have passed the certified orthodontic assistants examination and both have x-ray licenses. One has worked for him for 30 years and the other for 12 years. He is questioning "other than the 750 hour course, not related to orthodontics, what are the requirements for certification?" Dr. Levitt may want to contact UMDNJ Scotch Plains Campus and Dental Studies Institute in Fairview to determine whether they would customize a course for these individuals. The Board noted that this issue is being clarified under Sunset.

3. Rabab F. Mirza, DDS - The Board reviewed an inquiry questioning if dentists are permitted to use esthetic lasers for the treatment of hair removal. The Board determined that this procedure is not within the scope of practice of a dentist.

4. AnnMarie Lubitz, RDH - The Board reviewed an inquiry questioning if dental hygienists are permitted to practice esthetic procedures (ie. facial hair removal, microdermabrasion, glycoic acid and fruit acid peels) without going through a cosmetology program to obtain a cosmetology license. She wants to offer these services to her patients. The Board determined that this is not within the scope of practice of a dentist or dental hygienist. The Board requested that an article be placed in the next Newsletter concerning this issue.

5. American Board of Dental Examiners, Inc. - The Board reviewed information concerning the American Dental Licensure Examination Committee Meeting of January 15, 2005 reporting on the task of developing a uniform national clinical examination for licensure for dentistry and dental hygiene. This matter was tabled and will be discussed at the April 20, 2005 meeting along with other information received on this issue.

6. The Board reviewed a letter from Sue Feeley, DDS, President, Kentucky Board of Dentistry, to the American Board of Dental Examiners concerning their support on the development of a national dental licensure exam. The Board took this as informational.

APPEARANCES:

1. 2:30 P.M. - Anthony Ermocida, DMD - Appearance in the Matter of the Suspension or Revocation of the License of Dr. Ermocida to Practice Dentistry in the State of New Jersey.

The Complaint alleges that Dr. Ermocida has a substance abuse problem and presents a clear and imminent danger to the public. The appearance was adjourned because Dr. Ermocida signed an Interim Consent Order agreeing to a temporary cessation of the practice of dentistry and submission to an inpatient evaluation.

ADJOURNMENT: