

**NEW JERSEY STATE BOARD OF DENTISTRY**  
**PUBLIC SESSION MINUTES**  
**NEWARK, NEW JERSEY**  
**APRIL 15, 2015**

NOTE: The Public Session was called to order at 10:00 A.M. President, Shirley Birenz, RDH

ATTENDANCE: The following members were in attendance:

Joseph Battaglia, DMD; Shirley Birenz, RDH; Emil Cappetta, DDS; Elizabeth Clemente, DDS; Peter Clemente, DMD; Nicholas C. DeRobertis, DMD; Herbert Dolinsky, DDS; Steven Goldstein, DDS; Beverly Kupiec, PhD, RN; Richard D. Riva, DDS;

OTHER ATTENDEES: Deputy Attorneys General Miller and Oo; Cecilia Moreira, Senior Management Assistant

ABSENT: Roger Kriete, DMD

**I. APPROVAL OF MINUTES:** April 1, 2015 - Approved as amended.

**II. COMMITTEE REPORTS:**

**A. Continuing Education:**

1. Facial Anatomy for Comprehensive Esthetics Seminars - The Board reviewed additional information submitted by Gigi Meinecke, DMD concerning the request for approval of a course related to injectable pharmacologics. The Board approved this course with a reminder that Board regulations 13:30-8.4A permit the administration of injectable pharmacologics only within the scope of practice of dentistry, and the regulation specifically defines "peri-oral" area.  
The Board has, on numerous occasions, stated that the administration of Botox and derma-fillers, are to be part of a dental treatment plan that is documented in the patient's dental record.

**III. OTHER MATTERS:**

1. Dr. Steven J. Schwartz - The Board reviewed a request from Dr. Schwartz for clarification of the Board's regulations. Dr. Schwartz states the practice was recently purchased by a group. In order to help grow the practice, he would like to thank patients who refer new patients, with a \$20 credit to their account. The Board determined that his proposal is permissible by Board regulations, NJAC 13:30-8.13(d). The Board requests that Dr. Schwartz advise the name of the group that bought the practice.

2. Dr. Aaron Mannella - The Board reviewed an inquiry asking whether it is permissible to shred the patient paperwork after scanning the hard copies into their electronic system. The Board determined that the paperwork can be shredded after the office has verified that it has been properly scanned and stored.
3. Dr. Peter DeSciscio, former board member, was designated as Board representative to attend the 2015 National Dental Examiners' Advisory Forum to be held on April 27, 2015. The Board requested that Dr. DeSciscio provide a report concerning his attendance at this meeting.

#### **IV. APPEARANCES:**

1. 11:00 AM. - Louis Malcmacher, DDS - Appearance concerning the American Academy of Facial Esthetics course on Botox and dermal fillers.

Dr. Malcmacher discussed his course on Botox and dermal fillers. The Board discussed its receipt of anecdotal evidence that licensees who have attended the course believe they may treat crows feet and forehead lines. Dr. Malcmacher suggested "associated tissues" in the definition of peri-oral area includes crows feet and forehead and other areas. The Board advised Dr. Malcmacher that the Board has, on numerous occasions, stated that the administration of Botox and other dermal fillers, is to be part of a dental treatment plan that is documented in the patient's dental record. The regulation does not permit nor did the Board intend that licensees perform services outside the permitted scope of practice.

Dr. Malcmacher asked for additional clarification. The Board advised Dr. Malcmacher that he may submit scenarios to the Board for its review and comments as to whether they would or would not be considered within the scope of practice.

Dr. Malcmacher also requested that he be allowed to give part of his Botox and dermal fillers course in an "on-demand" educational platform in addition to the regular live programs.

After discussing this matter, the Board denied his request.

- V. **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.