

# New Jersey State Board of Dentistry

## Public Session Minutes

BOARD OFFICE

NEWARK, NEW  
JERSEY

May 1, 2002

The meeting was called to order by Dr. Emil Cappetta, President of the Board.

**OPEN PUBLIC MEETINGS ACT NOTICE:** Read by Dr. Emil Cappetta

### **ATTENDANCE:**

The following members of the Board were in attendance:

Dr. Valentine Bloch; Dr. Emil Cappetta; Dr. Anthony Chibbaro; Patricia Delaney, RDH; Mrs. Helen Huber; Dr. John Ricciani; Dr. Barbara Rich; Dr. Abraham Samansky.

### **ADDITIONAL ATTENDEES WERE:**

Nancy Costello Miller, Deputy Attorney General; Michelle Albertson, Deputy Attorney General; Cecilia Moreira, Management Assistant and Michael Dominach, Paralegal.

### **ABSENT AND/OR EXCUSED:**

Dr. William Orlacchio; Dr. Arnold Rosenheck; Mr. Louis Cardenas

## **COMMITTEE REPORTS:**

### **Dental Applications:**

- 1. Bryan Harvey, DDS** - Dr. Harvey was issued a Residency Training permit to fill a vacancy as a PGY 3 resident at St. Joseph's Hospital. Dr. Harvey had a history of substance abuse and was the subject of Board Orders in both Ohio and Michigan requiring ongoing monitoring. He was issued a residency training permit via a Board Order on October 9, 2001 which required ongoing participation with PHP. The committee recommends that Dr. Harvey appear for a status conference before a decision is made on his application for license.
- 2. Dr. Matthew Bellfiore** - Application by N.E.R.B. past five years. He has been licensed in New York since 1991 and meets all requirements for licensure. The committee recommends approval.
- 3. Dr. Maria Dourmas-Papazahamiou** - Application by N.E.R.B. past five years. She has a DDS degree from Columbia in 1995 and MD degree from Columbia in 1998. She was a PGY 5 resident, then chief resident until 2001. She has one pending lawsuit concerning a difficult extraction of a third molar performed when she was a resident. The committee recommends approval.
- 4. Dr. Alex Karapetian** - Application by N.E.R.B. past five years. He is a graduate of Moscow University; completed 2 year program for foreign dentists at NYU from 1990-92 which resulted in a DDS degree. He is licensed in New York and Connecticut. The committee recommends approval.
- 5. Dr. Jose Cadiz** - Application by N.E.R.B. past five years. He is a graduate of University of the East in the Phillipines. He obtained a DDS from Columbia in 1994 and was a PGY 1 resident at Columbia from August to

October, 1995. He has been working as a licensed Respiratory Therapist at Christ Hospital in Jersey City from 1995 to the present. He does not hold a license in any other jurisdiction. The committee recommends that he appear before the Board.

### **Dental Auxiliaries:**

- 1. Lori Quin** - Application by N.E.R.B. past five years. She meets all requirements for licensure. The committee recommends approval.
- 2. Tracy Klauder-Nagel** - Request for approval of expanded functions course taken at Delaware Valley Academy. The committee requested that proof of completion of this course be obtained and whether it is CODA approved.
- 3. Kathleen Schieber** - Request for approval of expanded functions course taken at Prodent Dental School. The committee requested that proof of completion of this course be obtained and whether it is CODA approved. Also date of graduation is to be obtained.

### **SECRETARY'S REPORT:**

The Board approved the list of applicants for licensure.

### **CONTINUING EDUCATION COMMITTEE:**

- Dr. Bloch discussed the need for an evaluation process of remedial hands-on courses taken by a licensee at the direction of the Board. At a previous meeting the Board referred this matter to a committee for review, however, a chairperson was not assigned. Dr. Cappetta assigned Ms. Delaney as the chairperson of this committee.
- Nanette Craig - She is interested in developing an expanded functions course. The committee indicated that course approval by the Board will be determined upon submission of a complete course outline with objectives and evaluation criteria for both the didactic and laboratory or clinical parts of the curriculum. Once this is received it will be reviewed by the Board.

### **PROPOSED REGULATIONS:**

- 1. N.J.A.C. 13:30-8.3 - Conscious Sedation with Multiple Oral Agents** - Dr. Bloch, chairman of the committee reviewing this proposal, gave a report which included some recommended changes from the original proposal. The members of this committee consisted of Dr. Bloch, Dr. Ricciani, Dr. Orlacchio, Dr. Rosenheck, and Dr. Lee Lichtenstein as an advisor.

At the conclusion of his verbal report, the Board requested that the committee's recommendations drafted into regulatory language for full board review. DAG Nancy Costello Miller, Dr. Bloch and Maryann Sheehan from the Regulatory Section will meet to prepare this draft.

### **INCIDENT REPORTS:**

- Dr. Joseph Buchalski
- Dr. Robert F. Chau

These reports were taken as informational.

### **BOARD DECISION FOLLOWING HEARING:**

- 1. Dr. Philip Schrager** - Following a formal hearing which took place on April 17, 2002 the Board in a motion by Dr. Bloch, seconded by Dr. Samansky determined that a Final Order shall be issued based upon a violation of N.J.S.A.

45:1-21(f), the conviction of a crime and N.J.S.A. 45:1-21(e) engaging in professional misconduct.

- A. Three (3) year suspension, 75 days active; the remainder to serve a period of probation;
- B. \$15,000 penalty;
- C. Costs and attorney's fees;
- D. Successful completion of the "ProBe" or "PriME" ethics course
- E. Random audits for the three years period of probation.

## **REQUEST FOR CONSIDERATION TO RETURN TO CLINICAL PRACTICE:**

**1. Steven Weinberg, D.M.D.** - The Board reviewed Dr. Weinberg's request for consideration to return to clinical practice. The Board requested that an Investigative Inquiry be scheduled.

## **DEPUTY ATTORNEY GENERAL'S REPORT:**

**1. Peter McColgan, D.M.D.** - The Board reviewed a response from Deputy Attorney General Eleanor G. Bernstein to Dr. McColgan's request for reinstatement of his license. After discussing this matter the Board determined that it will not entertain Dr. McColgan's request for reinstatement of license.

## **OTHER MATTERS:**

1. The Board reviewed the Department of Banking and Insurance - Clarification of prompt payment of claims reporting requirements at N.J.A.C. 11:22. The Board took this as informational.

2. **ADA** - The Board reviewed ADA's request for written comments: Proposed changes to ADA policies guidelines for licensure and specialty licensure. After discussing this matter the Board in a motion by Dr. Rich, seconded by Ms. Delaney requested that a comment be submitted indicating that a clinical exam should be required of all licensees regardless of any other training taken by a dentist. Mrs. Huber was opposed. Motion did not carry. No comment will be submitted.

**3. Dr. Ralph Sharow** - The Board reviewed an inquiry from Dr. Sharow concerning the signing of insurance forms. The Board determined that more specific information is required in order to respond to this inquiry.

4. The Board reviewed an inquiry from Richard L. Kim, Esq. concerning "Validity of Release from Liability by Patient and Self Reporting to State Board". The Board determined that with regard to a patient release absolving a dentist of any liability when a refund is made to a patient, is a legal issue. Concerning his inquiry with a dentist's obligation to self report, the Board indicated that there is nothing in the Board's regulation that would require this matter to be reported.

5. Dr. Charles Cho - The Board reviewed a request for approval of the psychiatrist to perform evaluation as requested by the Board. The Board approved Dr. M. Jody Whitehouse, M.D. as the psychiatrist to perform the psychiatric evaluation.

## **FILED DISCIPLINARY ACTIONS:**

**Robert Karasek, D.M.D.      DI 17237**

Consent Order of Voluntary Surrender of Licensure filed on February 7, 2002. ORDERED: Immediate surrender of his license to practice Dentistry in the State of New Jersey for a minimum period of six months from the entry date of this Order. Shall comply with directives for dentists whose surrender of licensure has been accepted by the Board. Prior to restoration respondent shall: Appear before the Board , show evidence of being capable of discharging the functions of a licensee, provide evidence of being capable do discharging functions of a licensee, provide reports from each and every mental health professional, report from the Physicians Health Program or the New Jersey Dental Association

Chemical Dependency Program detailing the nature and extent of his involvement with that entity. Provide records relating to urine monitoring and/or any other records related to drug screening. Affirmatively establish fitness, competence and capacity to reenter the active practice of dentistry. Provide the Board with full account of conduct during the intervening period of time from the entry into treatment to appearance before the Board.

**Theresa Baugh, D.D.S.      DI 18336**

Consent Order filed on February 7, 2002. ORDERED: Cease and desist from performing any and all orthodontic treatment until the completion no fewer than 200 hours of continuing education courses pre-approved by the Board. After completion of the courses, the doctor may resume treatment of orthodontic conditions limited to performance of orthodontic treatment on class I patients. Fourteen hours of Board pre-approved continuing education in diagnosis and treatment planning to be completed within six months of the entry of the Order. Reimburse patient in the amount of \$535. Civil penalty in the amount of \$2000. Costs in the amount of \$343.10.

**Roy McTernan, D.M.D.      DI 15363**

Order Modifying Restrictions on License filed on February 7, 2002. ORDERED: Continue to practice dentistry under the supervision of a Board approved supervisor. CDS registration shall be reinstated. Prescribe CDS only through the use of triplicate, sequentially numbered prescription blanks. Urine monitoring not less than two times per month on a random basis. Continue counseling with quarterly reports to the Board. Continue to attend support groups, including NA or AA not less than two (2) times per week and provide evidence of attendance to the Board. Shall not possess any controlled dangerous substances except pursuant to a bona fide prescription for good medical cause. May apply for modification to the terms of the order not sooner than one year following its entry.

**Anthony B. Spain, D.M.D.      DI 16104**

Final Order of Discipline filed on February 7, 2002. ORDERED: Two year suspension, commencing March 1, 2002. Sixty (60) days of the suspension shall be active and the remainder of the suspension shall be stayed and serve as an active period of probation. During the two year suspension , random audits by the Enforcement Bureau of patient and billing records.

**Joseph Salkind, D.M.D      DI 17764**

Consent Order filed on February, 7, 2002. ORDERED: Civil penalty totaling \$7500, which sum represents a penalty of \$2500 for allowing a dental hygienist to perform the bleaching techniques, which is outside the scope of her duties; \$2500 for advertising violations contained in a radio broadcast, including failing to correct the impression that a laser was being used for a bleaching procedure and that nesbits are illegal; \$500 for falsely representing on an Internet web site that the State of New Jersey has certain requirements for licensure, when no such requirements exist: \$500 for advertising a "specialty in cosmetic dentistry"; \$500 for claiming superiority; \$500 for the coupon that states a misleading value of services; \$250 for falsely advertising that he possessed a "post-doctoral degree" and \$250 for advertising that he use a "special technique". Costs of \$376.

**Murray Borman, D.M.D.      DI 12102**

Consent Order filed on February 7, 2002. ORDERED: Civil penalty in the total amount of \$2,500. Costs \$696.78. Reimburse patient the amount of \$3,410.00. Complete thirty-one and a half hours of continuing education: seven hours in developing a periodontal preventative maintenance program; twenty-one hours in crown and bridge, fourteen of which are to be "hands on" and seven hours which are to be didactic; and three and one half hours in record keeping.

**Joseph Brown, D.D.S.      DI 13607**

Order Modifying Restrictions filed on March 18, 2002. ORDERED: Board approved supervision is removed effective immediately. Permitted to prescribe controlled dangerous substances for patients as required for dental treatment. Use sequentially numbered, triplicate prescription pads for all prescriptions written. Urine monitoring twice monthly randomly. Continue counseling not less than once every two months. Attend support groups, including AA or NA not

less than 3 times per week. Shall not possess any controlled dangerous substances except pursuant to a bona fide prescription.

**Michael F. Parise, D.D.S.     DI 14799**

Order Modifying Restrictions filed on March 18, 2002. ORDERED: Board approved monitor is removed effective immediately. Permitted to prescribe controlled dangerous substances for patients are required in connection with dental treatment. Submit sequentially numbered, triplicate prescription pads for all prescriptions written. Provide copies of prescriptions to the Board on a monthly basis. Urine monitoring randomly not less than three times per month. Failure to provide urine sample within twenty-four hours a request will deemed equivalent to a confirmed positive urine. Continue counseling with treating psychiatrist as recommended by the psychiatrist. Attend support groups, NA or AA not less than two time per week. Shall not possess any controlled dangerous substances except pursuant to a bona fide prescription written by a physician for good medical cause.

**Dr. Andrew Goldstein     DI 18879**

Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint dated January 3, 2002. Offer of settlement consenting to: Pay restitution to the patient in the amount of \$3,400. Complete fourteen (14) hours of continuing education in hands on crown and bridge and oral diagnosis. Complete seven (7) hours of continuing education in periodontics.

**ADJOURNMENT:**

The meeting adjourned at 3:30 P.M.

[New Jersey State Board of Dentistry](#)

[Medical and Mental Health Related Professional Boards](#)

[Feedback Survey](#)

[Consumer Affairs Home Page](#)

[NJ Dept. of Law and Public Safety Home Page](#)

[State of NJ Home Page](#)

*Posted July 2002*