

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE  
NEWARK, NEW JERSEY

MAY 2, 2012

**NOTE: The Public Session Agenda commenced at 10:00 A.M.**

ATTENDANCE: The following members were in attendance:  
Shirley Birenz, RDH; Sheila Dashkow, DDS; Lydia David, DMD;  
Nicholas C. DeRobertis, DMD; Peter DeSciscio, DMD; Herbert Dolinsky,  
DDS; Maxine Feinberg, DDS; Roger M. Kriete, DMD

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

ABSENT AND/OR EXCUSED: Mr. Steven Brisgel; Emil Cappetta, DMD; Beverly Kupiec,  
RN, PhD; Richard D. Riva, DDS

**I. APPROVAL OF MINUTES:** April 18, 2012 - Approved as amended.

**II. EXECUTIVE DIRECTOR'S REPORT:**

1. Executive Director Eisenmenger reported to the Board that a notice will be sent to all Residency Programs reminding them that all residents must have a residency permit from the Board.

**III. COMMITTEE REPORTS:**

1. Continuing Education - The Board approved the continuing education committee report.

**IV. ADOPTED REGULATION:**

1. N.J.A.C. 13:45C-2 and 3 - Division of Consumer Affairs Uniform Regulations - Waivers; Performance-Based Outcomes. These regulations were adopted effective upon publication, on April 16, 2012.

**V. PROPOSED LEGISLATION:**

1. S-670 - Allows graduates of foreign dental schools to take examination and become licensed as a dental hygienist.  
- Regulatory analysts Burt Liebman and Elizabeth Greenblatt from the Division of Consumer Affairs discussed this legislative initiative with the Board.

The Board does not support this bill and it outlined various concerns, most notably, the Board does not have the ability to assess the curriculum of foreign dental schools.

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

1. Dr. Warren M. Torchinsky - Accepted as information only.
2. Mountainside Hospital Dental Clinic - Accepted as information only.
3. Dr. David T. Bolger - Accepted as information only.

**VII. ORDERS FILED WITH THE BOARD:**

The Board accepted the following filed Orders as informational:

1. Dr. Ewa Baginski and Mr. Piotr Baginski - Consent Order filed on April 4, 2012.
2. Dr. Walter Bilotta - Consent Order of Reinstatement filed on April 4, 2012.
3. Dr. Ralph Famiglietti - Consent Order filed on April 4, 2012.

**VIII. OTHER MATTERS:**

1. Correspondence from Dr. Richard P. Charmoy and Dr. Robert Schwartz concerning sleep apnea. The Board determined they be advised as follows:  
Dr. Charmoy - A dentist may be a part of a team that is treating sleep apnea, but must not go outside of the scope of practice of a dentist.  
Dr. Schwartz - Obtain more information with regard to the types of appliances he uses or intends to use with his patients. Once this is received the manufacturer(s) will be contacted for information about the equipment.

NOTE: Dr. Warren Boardman - Dr. Boardman was present at the meeting and addressed the Board during public comment on the issue of sleep apnea.

2. NERB - Inquiry questioning whether the Board would approve continuing education credit for individuals involved in the development and administration of the dental and dental hygiene licensing examinations. The Board determined that additional information be obtained concerning the specific procedures for how NERB plans on becoming a continuing education provider, how it would determine the amount of credits a licensee would gain, and how it would verify the attendance, participation, and learning gained by those who attend the sessions.

This matter will also be referred to the regulations committee.

3. Aparna Chawla, DDS - Additional information requested in follow-up to her request for an extension of the continuing education credits for licensure renewal. Dr. Chawla indicates she is planning to complete the credits by the end of April 2012. The Board requested verification that she has completed the credits.

4. Dr. Anthony Terra - Dr. Terra is attempting to reinstate his license which expired on October 31, 2011, but has not completed any continuing education courses since his license expired. He requests approval of his volunteer work in lieu of the continuing education credits.

The Board's statute permits the completion of up to twenty credits through the completion of volunteer dental work.

The Board determined that Dr. Terra be advised that volunteer work can account for twenty credits, if he can document the treatment that he completed. However, he must complete at least twenty credits of continuing education through course work.

5. Inquiry from Cathy Silverman, Executive Director, National Council of Jewish Women, concerning their program "NCJW Back 2 School Store." Ms. Silverman indicates that this is a project for low income children ages 5-10. Eastern Dental Center is willing to donate an exam for each child attending this event and would like to provide a coupon for a free exam. The group asked if this is permissible. The Board acknowledge the need

for access to dental care for children in low income communities and supports efforts. But any outreach by Eastern Dental must be performed in compliance with the statutes and regulations governing the practice of dentistry. The Board asks for additional information on the program, including how will the office respond to dental issues identified during the examination, for example, a child presenting with gross decay, but has no insurance or other coverage. Other questions: What is included in the examination? Who will perform the examination? The Board will also remind Eastern Dental that it is obligated to maintain patient records for each person and services offered as free are not to result in submission for payment to any third party payor, including Medicaid.

6. Additional information in follow-up to a request from Dr. Kellyann A. Metz questioning whether she can offer TMJ massage to her patients in her office. Specifically, the board reviewed information provided by regulatory analyst Charles Manning concerning the current statute and regulations governing massage therapists.

The Board tabled this matter for further discussion and additional legal research.

7. Correspondence from Dr. Donna Vagnozzi-Bucci concerning the standard of care for a crown build up procedure. The Board referred Dr. Vagnozzi-Bucci to the CDT code book for reference and definitions. She will have to use her clinical judgment and provide her explanations to the insurance company.

8. Inquiry from Dr. Charles M. Calantone concerning branch office requirement. Board statute (N.J.S.A. 45:6-10) says that you do not need a branch license when serving on the staff of a hospital. He should apply for hospital for appropriate staff privileges.

9. ADA - AHA statement: No causative link found between periodontal disease and heart disease. The Board took this as informational.
  
10. Marvin Witkin, D.D.S. (Handout) - Dr. Witkin requests permission to apply for a limited professional certificate so that he may review claims for an insurance company. He only holds a license in New Jersey which expired in 2011.  
The Board indicated that he would need to reinstate his license. He may request a waiver for Board consideration of the continuing education portion of the reinstatement.

**IX. 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.