

**NEW JERSEY STATE BOARD OF DENTISTRY  
PUBLIC SESSION MINUTES  
BOARD OFFICE MAY 3, 2006  
NEWARK, NEW JERSEY**

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

**ATTENDANCE:** The following members were in attendance:

Emil Cappetta, DDS; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Ms. Karen Golding; Sally-Jo Placa, DMD; John Riccianni, DMD; Arnold Rosenheck, DMD

**OTHER ATTENDEES:** Deputy Attorneys General Nancy Costello Miller and Joseph Donofrio; Kevin Earle, Executive Director; Cecilia Moreira, Senior Management Assistant; Michael Dominach, Paralegal.

**ABSENT AND/OR EXCUSED:** Ms. Belinda Caraballo; Patricia Delaney, RDH, Ed.M; ; Alexander Hall, DMD; Beverly Kupiec, RN, Ph.D

**I. APPROVAL OF MINUTES:** April 5, 2006 - Approved as amended.

**II. COMMITTEE REPORTS:**

Dental Applications:

A. Dr. Christopher Rochford - The committee reviewed an application for a Resident Permit. The committee recommends this application be approved pending receipt of a copy of the transcript and Dean's letter.

B. Dr. Stephen Silverhardt - The committee reviewed an application for a dental license. The committee recommends that Dr. Silverhardt be scheduled for an appearance concerning information disclosed on his application.

C. Dr. Butler Redd - The committee reviewed an application for a dental license. The committee recommends that Dr. Redd be scheduled for an appearance concerning information disclosed on his application.

Continuing Education:

A. The continuing education committee recommends approval of 17 requests for pre-approval of continuing education courses.

B. Mercer County Technical Schools - The committee recommends approval two of the nitrous oxide courses, one to be included as part of the Expanded Functions course and the other to be offered to RDAs and RDHs as a 14 hour course.

The Board in a motion by Dr. Cappetta, seconded by Dr. Feinberg, approved the committee's recommendations.

**III. ADOPTED REGULATION:**

A. The Board reviewed a copy of Adopted Amendments: N.J.A.C. 13:30-8.2 and 8.3 - Parenteral Conscious Sedation; Use of General Anesthesia. The Board took this as informational. The adopted regulation now cross referenced Board of Medical Examiners "Alternate Credentialing Program."

**IV. PROPOSED LEGISLATION:**

A. A-2761 - Changes criteria for eligibility to receive limited teaching certificates in dental schools. This matter was tabled to a future meeting when Dr. Cecile Feldman, Dean of the New Jersey Dental School, can be present to discuss this legislation.

B. S-1761 - "Violence Prevention in Health Care Facilities Act," requires certain health care entities to establish violence prevention programs to protect health care workers. The Board in a motion by Dr. Feinberg, seconded by Dr. DeSciscio, voted in support of this proposal.

#### **V. INCIDENT REPORTS:**

The Board reviewed the following incident reports:

A. Stephen D. Pascal, D.M.D. - The Board determined that a letter of advice be sent concerning the need to maintain the proper medications in the office for allergic reactions.

B. Sally-Jo Placa, D.M.D. - Dr. Placa was recused. The Board took this as informational.

C. Jonathan Min, D.D.S. - The Board determined that the following additional information be obtained:

- Date of the incident
- Copy of medical history
- Anesthesia used

D. Fredrick P. Babinowich, D.M.D. - The Board took this as informational.

#### **VI. RESPONSES TO UNIFORM PENALTY LETTERS FOR FAILURE TO COMPLETE THE CONTINUING EDUCATION CREDITS DURING THE PERIOD OF OCTOBER 31, 2001 AND NOVEMBER 1, 2003:**

A. Dr. Judith Barker - The Board reviewed Dr. Barker's response to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. The Board sustained its original decision which includes a \$500 penalty and completion of the 32 hour shortage. Dr. Barker did provide proof of the credits for the current renewal which were taken during the period of October 31, 2003 and November 1, 2005.

B. Dr. Norman G. Bartner - The Board reviewed Dr. Bartner's response to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. The Board sustained its original decision which includes a \$500 penalty and completion of the 40 hour shortage. Dr. Bartner has also failed to complete the continuing education credits for the current renewal which had to be taken during the period of October 31, 2003 and November 1, 2005. The Board determined that another penalty letter be issued assessing a \$1,000 penalty for a second offense, (considered professional misconduct pursuant to NJSA 45:6-10.8), and completion of the missing credits for this renewal.

C. Dr. Yury Bechutsky - The Board reviewed Dr. Bechutsky's response to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. The Board sustained its original decision which includes a \$500 penalty and completion of the 40 hour shortage. Dr. Bechutsky has also failed to complete the continuing education credits for the current renewal which had to be taken during the period of October 31, 2003 and November 1, 2005. The Board determined that another penalty letter be issued assessing a \$1,000 penalty for a second offense (considered professional misconduct pursuant to NJSA 45:6-10.8), and completion of the missing credits for this renewal.

D. Dr. N. B. Bittner - The Board reviewed Dr. Bittner's response to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001

to November 1, 2003. Dr. Bittner indicates that he has retired. The Board sustained its original decision which includes a \$500 penalty.

E. Dr. Michael Brantley - The Board reviewed Dr. Brantley's response to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. Dr. Brantley provided proof of the missing credits and submitted the \$500 penalty. Dr. Brantley has also failed to complete the continuing education credits for the current renewal which had to be taken during the period of October 31, 2003 to November 1, 2005. The Board determined that another penalty letter be issued assessing a \$1,000 penalty for a second offense which is considered professional misconduct pursuant to NJSA 45:6-10.8 and completion of the missing credits for this renewal.

F. Dr. Richard E. Cabana - The Board reviewed Dr. Cabana's response to the Uniform Penalty Letter assessing a \$250 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. Dr. Cabana submitted the \$250 penalty and requests that the Board waive the missing 15 credits because he has retired. The Board determined that Dr. Cabana would have to complete the missing credits if he ever reinstates his license.

G. Dr. Mark H. Docktor - The Board reviewed Dr. Docktor's response to the Uniform Penalty Letter assessing a \$150 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. Dr. Docktor provided proof of the continuing education for this period but failed to complete the continuing education credits for the current renewal which had to be taken during the period of October 31, 2003 to November 1, 2005. The Board determined to rescind the \$150 penalty letter for the 2001-2003 period. The Board determined that another penalty letter be issued assessing a \$500 penalty for failure to complete the credits for the current renewal which had to be taken during the period of October 31, 2003 to November 1, 2005 and completion of the missing credits for this renewal.

H. Dr. Richard L. Gennaro, Jr. - The Board reviewed Dr. Gennaro's response to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. Dr. Gennaro provided proof of completion of the continuing education for this period. The Board rescinded the penalty letter.

I. Dr. Ronald T. Goldstein - The Board reviewed Dr. Goldstein's response to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. Dr. Goldstein provided proof of completion of the continuing education for this period. The Board rescinded the penalty letter.

J. Dr. Carl J. Hajduk - The Board reviewed Dr. Hajduk's response to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. Dr. Hajduk provided proof of the missing credits and submitted the \$500 penalty. Dr. Hajduk has also failed to complete the continuing education credits for the current renewal which had to be taken during the period of October 31, 2003 to November 1, 2005. The Board determined that another penalty letter be issued assessing a \$1,000 penalty for a second offense (considered professional misconduct pursuant to NJSA 45:6-10.8), and completion of the missing credits for this renewal.

K. Dr. Saul H. Landa - The Board reviewed Dr. Landa's response to the Uniform Penalty Letter assessing a \$250 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. Dr. Landa provided proof of completion of the continuing education for this period. The Board rescinded the penalty letter.

L. Dr. Nakim M. Livshin - The Board reviewed Dr. Livshin's response to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. Dr. Livshin is on inactive status. The Board determined to rescind

the penalty letter. Dr. Livshin will be required to submit the missing credits if he ever activates his license.

M. Dr. Marcos E. Lopez - The Board reviewed Dr. Lopez's response to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. Dr. Lopez provided proof of completion of the continuing education for this period. The Board rescinded the penalty letter.

N. Dr. Robin N. Lucas - The Board reviewed Dr. Lucas's response to the Uniform Penalty Letter assessing a \$150 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. The Board determined that additional information be obtained concerning the courses submitted by The Commonwealth Dental Society of New Jersey. The proofs submitted by the Society do not identify the courses attended. The Board requested that a letter be sent to the Society requesting that they identify the course name on the certificates. The Board requested that Dr. Lucas obtain additional proofs from The Commonwealth Dental Society of New Jersey concerning the courses taken.

O. Dr. Bonnie L. Mazur - The Board reviewed a letter from Dr. Bonnie Mazur's father in response to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. The Board found the response inadequate. The Board determined that if Dr. Mazur cannot practice because of her medical condition, she should consider placing her license on inactive status and advise the Board when she can resume the practice of dentistry.

P. Dr. Elizabeth F. McGee - The Board reviewed Dr. McGee's response to the Uniform Penalty Letter assessing a \$250 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. Dr. McGee is requesting inactivation of her license. The Board determined to rescind the Uniform Penalty Letter and place her license on inactive status.

Q. Dr. Olga Mishilevski - The Board reviewed Dr. Mishilevski's response to the Uniform Penalty Letter assessing a \$1,000 penalty for a second offense for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. The Board rescinded the Uniform Penalty Letter. Additional documentation of courses were submitted by Dr. Mishilevski.

R. Dr. Raj Mohan - The Board reviewed Dr. Mohan's response to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. Dr. Mohan provided proof of completion of the continuing education for this period. The Board rescinded the penalty letter.

S. Dr. Alexander Musheyev - The Board determined that the response from Dr. Musheyev to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003 and an additional \$500 penalty for failure to respond to a Board inquiry was inadequate. The Board determined that a letter be sent to Dr. Musheyev allowing him another opportunity to respond prior to finalizing the sanction to be imposed.

T. Dr. Mark Pakan - The Board reviewed Dr. Pakan's response to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. Dr. Pakan has been a full-time graduate student since graduation. The Board rescinded the penalty letter.

U. Dr. David O. Peart - The Board reviewed Dr. Peart's response to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. The Board determined that a list of courses be obtained to correspond with the proofs of completion submitted by The Commonwealth Dental Society of New Jersey.

V. Dr. Thomas Rafferty - The Board reviewed Dr. Rafferty's response to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. Dr. Rafferty provided proofs of the courses for this period. The

Board determined to rescind this penalty letter. However, Dr. Rafferty has failed to complete the continuing education credits for the current renewal which had to be taken during the period of October 31, 2003 and November 1, 2005. Dr. Rafferty was eight credits short. The Board determined that a separate penalty letter be issued assessing a \$150 penalty for failure to complete the credits.

W. Dr. Safwan I. Shaaya - The Board reviewed Dr. Shaaya's response to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. The Board sustained the penalty. Dr. Shaaya has also failed to complete the continuing education credits for the current renewal which had to be taken during the period of October 31, 2003 to November 1, 2005. The Board determined that another penalty letter be issued assessing a \$1,000 penalty for a second offense, which is considered professional misconduct pursuant to NJSA 45:6-10.8, and completion of the missing credits for this renewal.

X. Dr. Edward A. Tanski - The Board reviewed Dr. Tanski's response to the Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education credits during the period of October 31, 2001 to November 1, 2003. Dr. Tanski is requesting a waiver due to illness. The Board determined to waive the penalty. Dr. Tanski must complete the missing credits within the six month period.

## **VII. MISCELLANEOUS:**

A. The Board commented that the internet should be more specific on disciplinary actions taken to show the nature of the action (Board Order, Consent Order, Uniform Penalty Letter). Executive Director Kevin Earle indicated that currently standards are being developed to clean-up the data base. He will discuss the Board's concerns with Director Kimberly Ricketts.

B. The Board discussed a provision of the advertising regulation. The Board in a motion by Dr. Feinberg, seconded by Dr. DeSciscio, requested that the Board's advertising regulations be amended to remove the requirement to use a specialty permit number in an advertisement. The motion passed.

## **VII. OTHER MATTERS:**

A. Dr. Irving Djeng - The Board reviewed a request for approval of sedation courses for an enteral sedation permit. The Board determined that Dr. Djeng be advised that in order to qualify for an enteral sedation permit he must complete the courses approved by the Board consistent with the decision for dentists that have completed a residency within three years prior to application. The courses provided can be used towards the continuing educational requirement for licensure renewal.

B. The Board reviewed a letter from Gerard A. Begley, DMD, President, NJSOMS, concerning ACLS for Parenteral Conscious Sedation and General Anesthesia permit holders. He indicates that ACLS should be mandatory for PCS and Anesthesia permit holders. The Board members indicated that in principle they agree that ACLS is preferable but will not mandate it at this time.

C. The Board reviewed an inquiry from Eric N. Burkett, M.D., Vice President of Medical Affairs, Saint Barnabas Health Care System Monmouth Medical Center, requesting an opinion as to whether an oral surgeon, having completed an Esthetic Fellowship, may be granted facial and cosmetic privileges in a hospital. Dr. Manoly Manolakakis, who requested for credentials, prompted the inquiry. He was present at the meeting and addressed with the Board concerning this matter. After discussing this matter, the Board determined to refer this matter to an ad-hoc committee with a charge to research the training of a Board certified oral and maxillofacial surgeon in an approved residency and cosmetic and esthetic fellowship and to reconcile such training with the privileges of oral and maxillofacial surgeons. The committee will consist of Dr. Feinberg, Dr. Placa, Dr. Cappetta, Dr. Dolinsky, Dr. Rosenheck.

D. The Board reviewed additional information from Philip R. Geron, D.M.D., per the Board's request concerning his training in the use of Botox. The Board determined to add this to the Botox file.

E. The Board reviewed a request from the following for consideration and recommendation to NERB as a consultant: - Rebecca Welch Pugh, RDH - Jean E. Rath, RDH The Board determined to recommend both hygienists to NERB as consultants.

F. The Board reviewed an invitation from Barry Schlegel, Safe Schools Project Director at UMDNJ School of Public Health, to participate in a Health Care Safety Task Force Meeting. Dr. Feinberg's name will be submitted.

G. ADEX - The Board reviewed information concerning the Annual Meeting. The Board took this as informational.

H. (Not on the agenda) - Dr. Marianne Mauro - The Board reviewed a request from Dr. Mauro for an increase in working hours beyond the hours enumerated in the Consent Order of Reinstatement filed on February 1, 2006, due to the fact that the increased working hours will qualify her for health insurance benefits. After discussing this matter the Board determined to increase the working hours to 33 hours per week.

### **VIII. APPEARANCE:**

A. 2:00 P.M. - Dr. Phylis H. Detwiler - Appearance required by the Board's Consent Order filed on November 2, 2005. Dr. Detwiler had to cease and desist from using sedation in her dental practice until she demonstrates competency to use such sedation. Dr. Detwiler appeared with counsel, Mr. Douglas Widman. Dr. Dolinsky led the questioning.

Dr. Detwiler provided proof of completion of the continuing education courses taken since the filing of the Consent Order. The Board questioned Dr. Detwiler on what she has learned over the last year concerning the treatment of patients with sedation.

At the conclusion of all questioning from the Board and testimony by Dr. Detwiler, the inquiry was ended.

The Board moved to Executive Session for deliberation.

During the Board's discussion they expressed concern that Dr. Detwiler may still not have full knowledge of managing emergencies in a dental office. The Board determined that prior to resuming use of sedation, Dr. Detwiler would benefit from a tutorial given by Dr. Lee Lichtenstein in managing emergencies in a dental office, including prescribing medications. She must also submit reports to the Board office concerning all cases involving sedation for a period of one year. These reports should include age, weight, medical status, medical history, length and description of procedure, level of anxiolysis reached and patient status at discharge.

### **ADJOURNMENT:**