

**NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
BOARD OFFICE
NEWARK, NEW JERSEY MAY 4, 2005**

ATTENDANCE: The following members were in attendance: Sally-Jo Placa, D.M.D., John Ricciani, D.M.D., Herbert Dolinsky, D.D.S., Catherine McLaughlin, Maxine Feinberg, D.D.S., Arnold Rosenheck, D.M.D., Peter DeSiscio, D.M.D.

OTHER ATTENDEES: Deputy Attorneys General Nancy Costello Miller and Joseph Donofrio, Michael Dominach, Paralegal, Lynn Edler, Head Clerk

ABSENT/EXCUSED: Emil Cappetta, D.D.S., Beverly Kupeic, RN, Ph.D, Patricia Delaney, RDH, Alexander Hall, D.M.D., Laura Leach, MBA. Cecilia Moreira, Senior Management Assistant.

A. APPROVAL OF MINUTES: April 6, 2005 -- Approved as amended

B. COMMITTEE REPORTS:

1. Pending Applications: –no reports on pending applications
2. Continuing Education: – no reports for continuing education

C. PROPOSED REGULATIONS:

1. Proposed Amendment: N.J.A.C. 13:30-8.2 and 8.3 - Parenteral Conscious Sedation; Use of General Anesthesia. One comment was received from Alma L. Saravia, Esq. * This matter was tabled because of the pending challenge in the Supreme Court to the Board of Medical Examiners regulation which the Board of Dentistry regulations refers to in its rule proposal.
2. Review of comments received to the proposed regulation - N.J.A.C. 13:30-5.1 Note: No comments were received and the Board voted to adopt the regulation with out changes. Proposed new rule: N.J.A.C. 13:30-8.1A and 8.4, Continuing Dental Education Requirement for Dentists; Deep Sedation; Enteral Sedation with Single or Multiple Pharmacological Agents. Note: The Board received comments and provided responses. The voted to adopt with changes, both non substantive and substantive, not requiring re- proposal.
3. Proposed new rule N.J.A.C.13:30-8.18, which would establish requirements for the dispensing of drugs for a fee by licensed dentists. ** The Board determined that this rule should not be pursued as it is not necessary to protect the health, safety and welfare of the public.
4. Discussion on possible change to regulation to allow non New Jersey licensed dentist to participate in hands-on clinical dentistry at continuing education courses approved by the Board. ** the Board determined to refer this matter to the regulatory committee.

D. INCIDENT REPORTS:

1. Andrew Dubman, D.M.D.

The Board carefully reviewed this matter and accepted the incident report as informational.

E. CORRESPONDENCE CONCERNING THE WORDING IN THE BOARD'S PUBLIC MINUTES:

1. Dr. Avinash Cherian

Dr. Cherian was concerned about the wording used in the public session minutes dated February 16, 2005, which states "The committee discussed DUI disclosed on his application. Dr. Chrian otherwise meets all requirements for licensure. The committee recommends approval." Dr. Cherian was under the impression that the DUI information was confidential and should not be noted in public session minutes. The Board carefully reviewed this matter and determined a conviction for driving under the influence is a public record and its inclusion in the public session minutes is appropriate. The Board recognizes the doctor's concerns and referred this matter to a committee to develop language that will provide accurate and balanced information. Dr. Dolinsky, Dr. Rosenheck and Ms. Delaney will be on that committee.

2. Laura M. Mazetis, RDH

Ms. Mazetisi was concerned about the wording used in the public session minutes dated February 16, 2005 which states "Ms. Mazetis was arrested in 1990 for possession of marijuana. In 1994 and 1998 she was arrested for DUI". Ms. Mazetis stated that she was horrified to see the information regarding prior arrests disclosed in public session minutes. She also state that she searched past Board minutes which did not disclose any details and the minutes were very vague as to the reasons for an arrest. The Board carefully reviewed this matter and determined that criminal history information in public sessions minutes is appropriate, is a public record and the public has the right to be informed.

F. REQUEST FOR REINSTATEMENT OF LICENSE:

1. Dr. Kevin Ward - Request for limited reinstatement of license. The Board determined to reinstate Dr. Ward's license will the following restrictions

1. Must have a monitor in the office at all times
2. Not engage in clinical practice, no patient diagnosis or treatment planning.
3. A New Jersey licensed dentist must be present in the office with Dr. Ward at all times.

2. Dr. Jane L. Jager - Request for reinstatement of license which expired 2003.

After careful consideration, the Board determined to issue a Settlement letter with a \$500 penalty for not completing the required continuing education credits for the 2001-2003 biennial period. The settlement letter shall include the Doctor to complete the 38 credits no later than October 2005.

G. OTHER MATTERS:

1. Correspondence from Matthew Sorkin, DDS, questioning whether the ID Dream program submitted complies with the Board's statutes and regulations. The Board recommended that Dr. Sorkin discuss this matter with his attorney and refer specifically to the Board's advertising and anesthesia regulation.

2. Correspondence from Charlesworth E. Rae, Esq., concerning Ximena Dentistry Professional Corporation. The Board determined to refer Mr. Rae to the Board regulations, specifically, 13:30-6.2 (e) and (n) (Professional Advertising) and 13:30-8.19 (Practice name).

3. Correspondence from Ryan C. Maher, DMD, concerning his intentions to promote teeth whitening at a tanning salon. The Board determined to refer Dr. Maher to the Board regulations regarding requirements of a dental office and that offering such a service requires the presence of equipment found at a dental office.

4. Correspondence from Amanda Sample questioning on the "guidelines for the treatment of snoring and sleep apnea with an oral appliance in the dental office." The Board determined to advise Ms. Sample that the Board of Dentistry does not have specific guidelines in its regulations for the treatment of snoring and sleep apnea with an oral appliance in the dental office.

5. Correspondence from Arthur W. Thurm, DMD, regarding oral sedation and dental anesthesia in the dental office. The Board determined the letter submitted was informational and that a thank you letter be sent with a copy of the adopted enteral sedation regulation.

6. Information concerning Utah School on Alcoholism and Other Drug Dependencies submitted by William I. Keene, DDS, Director, NJDA Well Being Program. The Board reviewed the correspondence as informational.

7. Copy of an article concerning "Substance Abuse Relapses in Health Care Professionals" submitted by Arthur L. Yeager, DMD. The Board reviewed the material as informational.

8. ADA - Information concerning "Released Comprehensive Part I Pilot National Board Dental Examinations." The Board reviewed the correspondence as informational.

APPEARANCES:

1. 11:00 A.M. - Dr. Elizabeth A. Clemente - Appearance concerning her request for possible consideration as a NERB examiner. After thorough review of Dr. Clemente's Curriculum Vitae and questioning by the Board. The Board voted and recommended Dr. Clemente as a NERB examiner.

ADJOURNMENT: