

**New Jersey State Board of Dentistry
Public Session Minutes
May 7, 2003
Board Office
Newark, New Jersey**

NOTE: PUBLIC SESSION AGENDA COMMENCED AT 9:00 A.M.

Dr. Barbara Rich chaired the meeting in the absence of the President, Dr. Ricciani and Vice-President Dr. Rosenheck.

ATTENDANCE:

The following members were in attendance:

Dr. Emil Cappetta, Patricia Delaney, RDH, Dr. Herbert Dolinsky, Dr. Alexander Hall, Mrs. Helen Huber, Dr. Sally-Jo Placa,, Dr. Barbara Rich

OTHER ATTENDEES:

Deputy Attorneys General Nancy Costello Miller and Joe Donofrio, Kevin B. Earle, Executive Director, Terri Goldberg, Assistant to the Executive Director, Michael Dominach, Paralegal and Cecilia Moreira, Senior Management Assistant.

ABSENT AND/OR EXCUSED: Mr. Louis Cardenas; Dr. Anthony Chibbaro,, Dr. John Ricciani, Dr. Arnold Rosenheck

COMMITTEE REPORTS:

Dental Auxiliaries:

1. Nancy Tuttle - The committee discussed an application for a dental hygiene license. Ms. Tuttle has not practiced dental hygiene for the last five years. The committee recommends that she take a refresher course and the written portion of NERB.

2. The committee discussed the following applications for Registered Dental Assistant registration. These applicants meet the requirements for licensure. The committee recommends approval.

- **Al-Isha Tisdale**
- **Jaime Hamilton**

Dental Applications:

1. Dr. Kymberly Higgis - The committee discussed an application for a dental license by NERB past five years. Dr. Higgis meets all requirements for licensure. The committee recommends approval.

2. Dr. Steven Candell - The committee discussed an application for a dental license by reciprocity. Dr. Candell disclosed two Data Bank Malpractice Reports. The committee recommends that an appearance be scheduled.

3. Dr. Shabibudheen Abdur-Rahim - The committee discussed an application for a dental license

by NERB past five years. Dr. Abdur-Rahim disclosed disciplinary action taken in another state. The committee recommends that an appearance be scheduled.

4. Dr. Ann Polson - The committee discussed an application for a dental license by reciprocity. It appears that Dr. Polson obtained a DMD degree from University of Pennsylvania by attending a two year program which was completed in 18 months. The committee recommends that Dean Raymond Fonseca be contacted to confirm that all credits have been taken.

5. Dr. Rapps - The committee discussed a request for reinstatement of the New Jersey dental license. Dr. Rapps has not practiced dentistry since 1990. The committee recommends that Dr. Rapps complete forty hours of continuing education, twenty hands-on dentistry. In addition, he must complete the DSCE exam.

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

Continuing Education Committee

The Board in a motion by Dr. Cappetta, seconded by Ms. Huber approved the continuing education committee recommendations.

APPEARANCES:

1. 9:00 A.M. - Dr. Thomas A. Giegerich - Dr. Giegerich appeared before the Board to discuss activation of a New Jersey dental license. Dr. Giegerich disclosed a conviction on his application. Dr. Giegerich explained to the Board that his boat was used in a marijuana smuggling scheme without his knowledge. His participation was limited solely to allowing others to use his boat, and then receiving a payment for the rental of the boat.

At the conclusion of Dr. Giegerich testimony and questions from the Board, the inquiry was ended. The Board moved to Executive Session for deliberation.

The Board in a motion by Ms. Delaney, seconded by Mrs. Huber approved activation of Dr. Giegerich dental license.

PENDING REGULATIONS:

1. Adopted Amendments: N.J.A.C. 13:30-1A.2, 2.4 and Adopted New Rule: N.J.A.C. 13:30- 8.20 - Scope of Practice of Licensed Dental Hygienist; Scope of Practice of Registered Dental Assistant; Nitrous Oxide/Oxygen Inhalation Analgesia; Duties of a Licensed Dentist; Delegation to Licensed Dental Hygienist and Registered Dental Assistant - The Board reviewed the comments submitted along with the responses to these comments. The Board in a motion by Ms. Delaney, seconded by Dr. Dolinsky voted to adopt this proposed regulation. Mr. Paul Bent and Mrs. Patricia DeCottiis requested copies of the comments received. The regulation will be effective when the adoption is published in The New Jersey Register.

2. The Board discussed a proposed regulation concerning Sexual Misconduct Regulation. It appears that a committee had been established several years ago to prepare a draft regulation, however, a final committee report was never brought back to the Board for review. A new committee has been assigned consisting of Dr. Dolinsky, Dr. Placa, Ms. Delaney and Dr. Rich to review this matter and make a recommendation. Mr. Earle will provide the committee with copies of other health care Board regulations on sexual misconduct. It was recommended that such

regulations should be in general conformance with those of other Boards.

INCIDENT REPORTS:

The Board reviewed the following incident reports:

- 1. Dr. Jerome Silverstein(UMDNJ)**
- 2. Dr. Anthony Zamara**
- 3. Dr. Michael Kleiman (Ms. Tricia DeCottiss from NJDA requested a copy fo this report.)**
- 4. Dr. John P. Little**
(Dr. Little was concerned that disclosing the patient's name may violate HIPAA. The Board is considered a law enforcement agency and this situation is not precluded by HIPAA.)
- 5. Dr. Ross Karlin**

The reports were taken as informational.

REQUESTS FOR MODIFICATION OF THE BOARD'S ORDER:

- 1. Dr. Brian Harvey** - The Board reviewed a letter from Louis E. Baxter, Sr., M.D. from the Physicians' Health Program requesting that Dr. Harvey's weekly urine screens and monthly face-to-face follow-up visits be reduced. With more than two years in documented, ongoing recovery, Dr. Baxter is recommending that Dr. Harvey's random, urine drug screens be reduced to twice monthly and follow-up visits be reduced to every other month for the next year and quarterly thereafter. After discussing this matter, the Board in a motion by Ms. Delaney, seconded by Dr. Hall approved these recommendations.
- 2. Dr. Harry Cygler** - Dr. Rich was recused from participation in this matter. The Board reviewed a request from Pamela Mandel, counsel for Dr. Cygler for elimination of the conditions imposed on Dr. Cygler's license. Louis E. Baxter, Sr., M.D., from the Physician's Health Program recommends that Dr. Cygler's urine monitoring be reduced to random monthly for three months and then quarterly until January, 2004 at which time, barring any relapses into unauthorized substance use, he will be discharged from the program. Dr. Baxter also recommends that Dr. Cygler be seen in face-to-face visits on a quarterly basis until discharged. After discussing this matter, the Board in a motion by Ms. Delany, seconded by Dr. Hall accepted the PHP's recommendations.

RESPONSE TO UNIFORM PENALTY LETTER:

- 1. Dr. Jose A. Pagan** - The Board reviewed Dr. Pagan's response to the Board's Uniform Penalty Letter assessing a \$500 penalty for failure to complete the continuing education requirements for the biennial period of 1999-2001 and waiving his right to a hearing. After discussing this matter, the Board sustained its penalty and requested that Dr. Pagan be reminded that these forty hours of continuing education credit must be completed by October 31, 2003.
- 2. Dr. Thomas H. Hafner** - The Board reviewed Dr. Hafner's continuing education credits in follow-up to a Uniform Penalty Letter. The following two courses were denied:
 - Reflexology for the Dental Practice
 - Acupressure for the Dental Professional

OTHER MATTERS:

- 1. The Board reviewed an inquiry from Theresa Lennon, Director of the Institute for Health**

Education questioning whether students in their ADA accredited dental assisting program may take bite registrations of an individual utilizing thermoplastic registration material to obtain a Toothprint. After discussing this matter, the Board in a motion by Ms. Delaney, seconded by Dr. Placa voted to advise that the students are permitted to assist the Registered Dental Assistants but may not take the impressions themselves.

2. The Board reviewed a letter from Maria L. Larson, RDH questioning whether it is acceptable to use a pre-printed label, or rubber stamp designed specifically to make hygiene recall notes. After discussing this matter, the Board determined that this would be acceptable as long as the record accurately reflects the patient's condition and treatment rendered.

3. Dr. William A. Belfer - The Board reviewed additional information in follow-up to Dr. Belfer's inquiry concerning utilization of surface EMG biofeedback therapy in the rendering of TMJ/TMD treatment. The Board moved this matter to Executive Session.

4. Dr. Ronald Saglimbene - The Board reviewed additional information in follow-up to Dr. Saglimbene's inquiry concerning Botox injections. During discussion of this matter the Board questioned the training involved. The Board requested that the ADA position on Botox injections be obtained. In addition, other state dental boards and medical boards are to be contacted for their comments on this subject.

5. AADE - The Board reviewed information concerning the Annual Meeting in San Francisco, California, on October 22-23, 2003. Dr. Ricciani will be a delegate. Dr. Rich indicated that since she is attending the ADA meeting she will also attend the AADE meeting. Executive Director Earle will attend the AADA meeting.

6. ADA - The Board reviewed a letter questioning whether the Board would want to assist with the administration of the National Board Examination. No board member is available to assist in this matter.

7. ADA - The Board reviewed a draft report of the ADA 2002 Survey of Legal Provisions for Delegating Intraoral Functions to Chairside Assistants and Dental Hygienists. The Board took this as informational.

ADJOURNMENT:

The meeting adjourned at 12:30 P.M.