

NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
NEWARK, NEW JERSEY
MAY 7, 2014

NOTE: The Public Session Agenda was called to order at 10:00 A.M. by Lydia David, DMD.

ATTENDANCE: The following members were in attendance:

Emil Cappetta, DDS; Lydia David, DMD; Peter DeSciscio, DMD; Nicholas C. DeRobertis, DMD; Herbert Dolinsky, DDS; Roger M. Kriete, DMD; Beverly Kupiec, RN, PhD

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

ABSENT AND/OR EXCUSED: Shirley Birenz, RDH; Richard D. Riva, DDS

I. APPROVAL OF MINUTES: April 16, 2014 - Approved as amended.

II. COMMITTEE REPORTS:

A. Applications:

- Dr. Katherine Wong - Dr. Wong took the WREB exam in 2010 and has been licensed in New York since 2011. She is requesting that she be permitted to take the DSCE portion of NERB in order to qualify for a New Jersey dental license. The Board determined that Dr. Wong must complete the full NERB exam. However, she may qualify after the amendments to NJSA 45:1-7.1 become effective on July 1, 2014.

B. Continuing Education:

- Dr. Roy Shelburne - The Board reviewed additional information requested concerning the course he is offering entitled "Clinical Records Prevent Criminal Records." The Board approved this course 5-0 with Dr. Kriete and Dr. DeRobertis abstaining.

III. LEGISLATION:

1. A-2557 - Requires health care providers to observe certain practices concerning collection of outstanding balances on patient accounts. Specifically, an outstanding account may be sent to an outside collection agency after 30 days, and a provider may not send a report to a credit agency for 45 days following the referral to a collection agency. The Board, in a motion by Dr. Kriete, seconded by Dr. DeSciscio, supports this proposed legislation.

2. A-3007 - Requires practitioners prescribing Schedule II drugs to check the prescription monitoring program prior to issuing prescriptions, and to report prescriptions for Schedule II drugs to program; expands access to program.
The Board discussed this subject, and recognizes the critical role that health care providers play in addressing prescription drug abuse, but believes that this proposal, as written, places an onerous burden upon practitioners. It does not support the bill.

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

1. Rutgers School of Dental Medicine - This was received as informational.

V. PROFESSIONAL ASSISTANCE PROGRAM REPORTS:

1. Dr. Walter Bilotta - The Professional Assistance Program reports that it has reduced the screens to twice monthly. This was received as informational.

VI. REPORTS/REQUESTS IN FOLLOW-UP TO SETTLEMENT LETTER/BOARD ORDERS:

1. Dr. Lon J. Rosen - This was received as informational.
2. Dr. Leonor Ordaz - The Board reviewed a letter from Dr. Ordaz requesting the Board to reconsider its decision of March 17, 2014, through which she and her court appointed guardian agreed to her voluntary surrender of her license. Moved to Executive Session for deliberation. The Board determined that additional information be obtained.
3. Dr. Scott M. Meltzer - Dr. Meltzer voluntarily surrendered his license on May 3, 2013. Dr. Meltzer is requesting reinstatement of his license on a limited basis. The Board moved this matter to Executive Session for deliberation. No decision was made on the request.

VII. FILED ADMINISTRATIVE COMPLAINT AND ANSWER:

1. Dr. Edmund Caruso - A complaint was filed on January 27, 2014. An answer was filed through counsel, Richard Tanner, Esq., on April 7, 2014. The Board deemed this a contested case and determined to communicate with the parties to ask the number of anticipated witnesses, and number of days that may be required for the hearing. After receiving that information, the Board will decide whether to retain the case or transfer to the Office of Administrative Law for a hearing.

VIII. FILED ORDERS BY THE BOARD:

The following Orders were taken as informational.

1. Dr. Jennifer Lamphier - Consent Order of Voluntary Surrender of Dental License to be Deemed a Temporary Suspension filed on April 2, 2014.
2. Christine Tunnicliffe, RDH - Consent Order Granting Unrestricted License filed on April 16, 2014.
3. Dr. Stephen J. Markus - Consent Order filed on April 23, 2014.

IX. OTHER INQUIRIES:

1. Inquiry from Dr. Richard Mercurio concerning patient records that were destroyed by a flood in the office basement. He indicates the charts are of inactive patients and are unsalvageable, unreadable and are full of mold. The Board agreed with Dr. Mercurio's plan to dispose of the destroyed records.
2. Inquiry from John B. Dibling, D.D.S. concerning treatment using injectable pharmacologies in the treatment of oral and head pain.
Dr. David appointed a committee to further review this matter and make a recommendation to the Board. Dr. Dolinsky, Dr. DeRobertis, and Dr. Kriete were assigned to this committee.
3. Organization for Safety, Asepsis and Prevention Launches New Team Huddle Publication through its SafestDentalVisit Campaign.
This was received as informational.
4. Dental Assisting National Board, Inc. 2014 State publications with updated information on dental assisting job titles, education and exam requirements, allowable functions and scope of practice for all 50 states.
This was received as informational.
5. Inquiry from Dr. Mark H. Brafman questioning whether "New Jersey dentists are required or not required to accept PPO rates for non-covered services?"
After reviewing the information available, the Board did not take a position or make a determination on this inquiry. The Board is not aware of any statute that would require a provider to accept payment in this manner. Dr. Brafman will be directed to DBI, and a private lawyer to review his contract(s) with companies providing dental benefits..
6. ADEX - Information concerning the ADEX 9th Annual Meeting.
This was received as informational.

X. HANDOUTS:

1. The Board reviewed an inquiry from Keri, a registered dental assistant, concerning an RDA taking emergency phone calls over the weekends. She poses different scenarios. The Board indicated that the assistant should pass the message to the dentist and have the dentist respond to the patient directly to address the emergency situation.
2. The Board reviewed letter from the Prescription Blanks Program concerning the newly adopted regulations that will incorporate print-based security features into all the New Jersey Prescription Blanks. The Board took this as informational.

XI. APPEARANCES:

1. 1:00 P.M. - Dr. Subina Anand - Request for reinstatement of her dental license which was suspended by Board Order on December 4, 2013. Dr. Anand's license was suspended for one year, three months active.
Dr. Anand appeared without counsel. Dr. Anand provided specific information concerning her affiliation with New Jersey Mobile Dentists, P.A.
At the conclusion of her testimony and questions from the Board, the Board moved into Executive Session for deliberation.
The Board returned to public session and determined to reinstate Dr. Anand's license in accordance with the December 2013 order.

XII. 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.