

**NEW JERSEY STATE BOARD OF DENTISTRY**  
**PUBLIC SESSION MINUTES**  
**NEWARK, NEW JERSEY**  
**JUNE 4, 2014**

NOTE: The Public Session Agenda was called to order at 10:00 A.M. by Shirley Birenz, RDH, Acting President.

ATTENDANCE: The following members were in attendance:

Shirley Birenz, RDH; Emil Cappetta, DDS; Lydia David, DMD; Nicholas C. DeRobertis, DMD; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Roger M. Kriete, DMD; Beverly Kupiec, RN, PhD; Richard D. Riva, DDS

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

**I. APPROVAL OF MINUTES:** May 21,2014 - Approved as amended.

**II. COMMITTEE REPORTS:**

**A. Applications:**

1. Dr. Jeremy Nehleber - Application for a New Jersey dental license. Dr. Nehleber took the Florida exam in 2008. The Board found that the exam was comparable. It appears that Dr. Nehleber also has practice in New York for the last five years. The Board approved this application pending confirmation that he has worked in one state consecutively for five years.

**B. Regulations committee:**

1. Status concerning the following petitions for rulemaking:
  - Regulatory Amendments to Allow Expansion of Functions for Dental Auxiliaries in an Orthodontic Office. The Petitioner has agreed to a six month extension, which will be published in the New Jersey Register. The Board in a motion by Dr. Riva, seconded by Dr. David, the Board approved the extension.
  - Corporate Practice of Dentistry - The petitioner has agreed to a four month extension. The Board President assigned an ad hoc committee to conduct further research and meet with interested parties. The ad hoc committee will be composed of Dr. Riva, Dr. DeSciscio, Dr. DeRobertis and Dr. Kriete. (Dr. Cappetta is an alternate) The Board in a motion by Dr. DeRobertis, Dr. Riva, accepted the recommendation of the committee.

2. Law and Jurisprudence examination for applicants. The committee recommends making the exam results valid for two years for all license categories.

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

1. Dr. Richard N. Tennenbaum - Received as informational.
2. Dr. Thomas R. Hada - Received as informational.
3. Dr. Eugene S. Kulaga - Referred to executive session.  
The Board determined that additional information be obtained.
4. Dr. Lawrence M. Gorzelnik - Received as informational.
5. Rutgers School of Dental Medicine - Received as informational.
6. Dr. Sita Gurung - Received as informational.

### **IV. REQUEST FOR MODIFICATION TO THE BOARD'S ORDER:**

1. Dr. Alan Schwartz - Request for modification to the Board's Order Reinstating License with Restrictions filed on January 16, 2013. This matter was referred to executive session.  
Upon return to public session, the Board determined that additional information be obtained.
2. Dr. Lawrence Gardner - The Board reviewed correspondence from Louis E. Baxter, Sr., MD, from the Professional Assistance Program, requesting approval to discontinue attendance at support group meetings, which PAP approved. This matter was referred to executive session.  
Upon return to public session, the Board approved this request.
3. Dr. Scott Meltzer - The Board reviewed a request for reinstatement license on a limited basis. The Board referred this matter to executive session.  
Upon return to public session, the Board denied the request at this time.

### **V. ORDERS/SETTLEMENT LETTERS FILED WITH THE BOARD:**

The following Orders were taken as informational:

1. Dr. Kenneth Avery - Consent Order of Reinstatement filed on May 9, 2014.
2. Dr. Donald P. Lapine - Final Consent Order filed on May 9, 2014.
3. Dr. Davis C. Thomas - Settlement Letter filed on May 13, 2014.
4. Dr. Anthony Vocaturo - Final Consent Order filed on May 21, 2014.
5. Dr. Robert Karasek - Consent Order of Voluntary Surrender of Licensure filed on May 21, 2014.

**VI. OTHER MATTERS:**

1. Dr. John J. Graeber - Inquiry questioning whether the contract provided is fee splitting. On its face, it appears that the language contained in the contract would be contrary to the letter and spirit of the regulations.
2. ADA - Information concerning the ADA Dental Personal Identification Number. Received as informational.

**VII. HANDOUT:**

1. Alexis Riley, RDH - Inquiry concerning protocol for scheduling periodontal recall visits.  
The dentists are required to formulate the treatment plan to address the patient's condition after taking adequate and appropriate diagnostics.

**VIII. 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.