



New Jersey State Board of Dentistry

Public Session Minutes

BOARD OFFICE

NEWARK, NEW JERSEY

JUNE 5, 2002

The meeting was called to order by Dr. Emil Cappetta, President of the Board.

OPEN PUBLIC MEETINGS ACT NOTICE:

Read by Kevin B. Earle, Executive Director.

ATTENDANCE:

The following members of the Board were in attendance:

Dr. Valentine Bloch; Dr. Emil Cappetta; Mr. Louis Cardenas;

Dr. Anthony Chibbaro; Patricia Delaney, RDH; Mrs. Helen Huber;

Dr. William Orlacchio; Dr. John Ricciani; Dr. Barbara Rich; Dr. Abraham Samansky.

ADDITIONAL ATTENDEES WERE:

Nancy Costello Miller, Deputy Attorney General;

Michelle Albertson, Deputy Attorney General; Kevin B. Earle, Executive

Director and Cecilia Moreira, Management Assistant.

ABSENT AND/OR EXCUSED:

Dr. Arnold Rosenheck

APPROVAL OF MINUTES:

April 17, 2002- Approved as amended

May 1, 2002 - Approved as amended

COMMITTEE REPORTS:

Dental Auxiliaries Applications:

1. Melissa Morris - Application for a dental hygiene license by credentials. The committee recommends approval of this application pending confirmation that Ms. Morris has successfully passed the Law & Jurisprudence exam.

2. Christine Szabo - Application for a dental hygiene license by N.E.R.B. past five years. The committee recommends approval.

3. Julie McCarty - Application for a dental hygiene license by N.E.R.B. past five years. The committee recommends

that employment history and verification be obtained.

The Board in a motion by Ms. Delaney, seconded by Mrs. Huber approved the committee's recommendation.

CONTINUING EDUCATION:

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

PROPOSED REGULATIONS:

4. Draft recommendations of the Anesthesia Committee - Proposed regulation N.J.A.C. 13:30-8.3 - **Enteral Sedation with Single or Multiple Pharmacological Agents**. The Board reviewed the committee's recommendations and made some changes. This matter will be reviewed with the recommended changes at the next meeting.

5. Termination of the Physician Patient Relationship - The Board reviewed a notice of proposal of the New Jersey State Board of Optometrists. The Board in a motion by Dr. Samansky, seconded by Dr. Chibbaro determined that a similar proposal will be drafted for the Board of Dentistry, which would specifically outline the procedure to be followed in terminating a doctor/patient relationship.

6. Sale and dispensing of medications - The Board discussed an inquiry from Arthur Meisel, Esq. on behalf of NJDA, following up on a prior communication from Dr. Ira Cheifetz whether there are any restrictions that would prohibit a dentist from filling prescriptions or providing medications, including narcotics, and charging patients for the service. A copy of the Board of Medical Examiners regulations relating to this issue was also reviewed. Dr. Cheifetz was in attendance and addressed the Board on this issue. After discussing this matter, the Board in a motion by Dr. Rich, seconded by Ms. Delaney determined that the Board will consider establishing a regulation that would allow the dispensing and selling of prescription and non-prescription drugs for a fee with pre-packaged medication and proper record keeping. The regulation from the Board of Medical Examiners will be used as a model. Dr. Bloch, Dr. Orlacchio and Mr. Cardenas were opposed.

DISCIPLINARY MATTERS:

1. Dr. Robert Wollman - The Board reviewed a request for reinstatement of license. This matter was moved to Executive Session.

The Board returned to public session and in a motion by Dr. Bloch, seconded by Dr. Ricciani determined that Dr. Wollman be scheduled for an appearance.

2. Dr. Robert Posner - A Motion to Amend the Filed Complaint and a Motion for Summary Decision was filed with the Board by the Attorney General based upon a conviction.

The Board, upon full consideration of the DAG's Notice of Motion for leave to Amend the Complaint and for Summary Decision and supporting papers, as well as Respondent's response advising that no opposition to the motion would be filed but requesting the right to fully participate in a mitigation of penalty hearing, has determined:

1. To grant the DAG's motion to file a Second Amended Verified Complaint;
2. To grant in part the DAG's motion for summary decision as to Counts 1-5 of the amended complaint. More specifically, the Board, after review of the guilty plea transcript, has determined that Respondent has not pled guilty to all the acts as set forth in Counts 1-5 of the amended complaint. Therefore, the Board grants summary decision on Counts 1-5 specifically as to those acts admitted by the Respondent at the time of the guilty plea hearing. Further, based on those specific acts, the Board finds that the Respondent's acts give rise to disciplinary action pursuant to N.J.S.A. 45:1-21(c), (d), (e), (h), and (i); and N.J.S.A. 45:1-22, N.J.S.A. 45:6-3. As to Counts 7-24 the Board based on the Certification and attached exhibits of the DAG, as well as Respondent's lack of opposition, grants the DAG's motion for summary decision and, further, finds that Respondent's acts provides grounds to take disciplinary action

pursuant to N.J.S.A. 45:1-21(b), (c), (d), (e), (f), (h), and (i); N.J.S.A. 45:6-3 and N.J.A.C. 13:45c-1.4.

The mitigation hearing is scheduled for June 19, 2002.

REQUEST FOR EXTENSION TO COMPLETE CONTINUING EDUCATION AS REQUIRED BY BOARD ORDER:

1. #99-03-118 - Yolanda Ortiz/Dr. Teresa Baugh - The Board reviewed her request for an extension to complete the continuing education credits as required by Board Order. The Board approved an extension until November 6, 2002. If Dr. Baugh does not locate courses by 11-6-02 she can challenge the NERB DSCE exam instead of completing the remainder of the credits required in the Board Order.

OTHER MATTERS:

1. The Board reviewed a letter from Dr. Lillian H. Bachman at NERB requesting recommendations for NERB consultants. Also reviewed was a letter from Dr. Robert A. Shekitka requesting Board recommendation to be a NERB consultant. After discussing this matter the Board in a motion by Ms. Delaney, seconded by Dr. Ricciani recommended that the following list of licensees be sent to NERB for consideration as NERB consultants:

- Dr. Robert Shekitka
- Dr. Gary Vitale
- Bejay Dolan, RDH
- Lynn Safer, RDH

2. The Board reviewed a letter from Dr. Uribe concerning potential patient abandonment if an employee orthodontist leaves a practice. After discussing this matter, the Board determined that the patients belong to the practice. The principals of the practice would be responsible for obtaining another orthodontist to take over the cases to obviate concerns over patient abandonment and allowing a reasonable transition. A licensee is responsible for the treatment provided. If the practice has already been paid for the orthodontic treatment, the practice is responsible for arranging for continued treatment.

Dr. Daniel Marulli addressed the Board with regard to patient abandonment as well as continuation of treatment when a licensee is suspended by the Board. He advised the Board that he is currently treating a number of patients that were in treatment with a licensee who is currently suspended. The Board noted that it often receives inquiries concerning continuation of orthodontic care as requested that perhaps the NJDA could facilitate discussion and input from the Orthodontic Society on this question.

3. The Board reviewed a letter from Massi Shamilov, M.D. recommending that conditions remaining on Dr. Ira Eisenstein's license be vacated. The Board moved this matter to Executive Session for discussion.

The Board returned to Public Session and in a motion by Dr. Bloch, seconded by Dr. Ricciani voted to remove all restrictions placed on Dr. Eisenstein's license.

4. The Board reviewed a letter from American Association of Oral & Maxillofacial Surgeons concerning article entitled "ASPS works with members to influence state government". The Board took this as informational.

5. Cynthia A. DeLuke, RDH - The Board reviewed additional information following her request for a waiver of the continuing education credits and information concerning her medical condition. The Board took this as informational.

6. ADA -

A. The Board reviewed a request for a board member to assist with the administration of the National Board Examinations July 15 & 16, 2002. Ms. Delaney indicated that she would assist at UMDNJ on July 15th & 16th.

B. Call for written comments concerning "Guidelines for Teaching the Comprehensive Control of Anxiety and Pain in Dentistry and The Use of Conscious Sedation, Deep Sedation and General Anesthesia for Dentists".

The Board recommended the following comments be sent:

Page 8 #2 - The word "competent" should be replaced with "familiar"

Page 5 *G. Organic pain problems

1. Trigeminal neuralgia
 2. Atypical facial neuralgia and vascular pains
 3. Oral and facial pain syndromes
- The Board noted that these terms may be outdated.

7. AADE - The Board reviewed information concerning the 119th Annual Meeting in October 2002. Dr. Ricciani will attend this meeting.

8. AADA - The Board reviewed information concerning the 18th Annual Conference in October 14- 16, 2002. The Board requested that Mr. Earle attend this meeting.

SECRETARY'S REPORTS:

The Board approved the list of applicants for licensure.

ADJOURNMENT:

The Public Session adjourned at 1:20 P.M.

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