

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE  
NEWARK, NEW JERSEY

JUNE 5, 2013

NOTE: The Public Session Agenda was called to order at 10:00 A.M.

ATTENDANCE: The following members were in attendance:

Lydia David, DMD; Sheila Dashkow, DDS; Nicholas C. DeRobertis, DMD;  
Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS;  
Roger M. Kriete, DMD; Richard D. Riva, DDS

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

ABSENT AND/OR EXCUSED: Shirley Birenz, RDH; Emil Cappetta, DMD; DDS; Beverly  
Kupiec, RN, PhD

**I. APPROVAL OF MINUTES:** May 15, 2013 - Approved as amended.

**II. COMMITTEE REPORTS:**

1. Applications:

- Jasleen K. Dhillon - Dental hygiene application by credentials. Ms. Dhillon passed the National Boards and California clinical exam. The committee recommends approval of this application.
- Dr. Nicole Kent - Dentist application by credentials. Dr. Kent passed SERTA and the DSCE part of NERB. She has lived outside the country and has not practiced for a minimum of five years in one jurisdiction immediately preceding the application. The committee determined that Dr. Kent needs to pass the clinical portion of the NERB in order to qualify for a New Jersey dental license.

**NOTE:** The Board referred the issue of what should be accepted for initial licensure to the regulations committee.

2. Continuing Education:

The committee recommended approval of remedial continuing education courses for several licensees.

3. Report from the Board's NERB committee concerning examiners for NERB.

The committee recommends that Dr. August D. Pellegrini be recommended as examiner to NERB.

The Board in a motion by Dr. Feinberg, seconded by Dr. Dashkow, approved the committee recommendations.

**III. PROPOSED REGULATIONS:**

1. Draft of proposed amendments to:
  - 13:30-8.2 Parenteral Conscious Sedation
  - 13:30-8.3 Use of General Anesthesia
  - 13:30-8.4 Enteral Sedation with Single or Multiple Pharmacological Agents

Attendance of Rachel Glasgow, regulatory analyst in response to a letter from the New Jersey Society of Oral and Maxillofacial Surgeons (NJSOMS), concerning updating the requirements for sedation permit holders. The Board has drafted a rule proposal to incorporate the suggestions of NJSOMS.

It was noted that only physicians, dentists, nurses and certain other licensed health care professionals may take Advanced Cardiac Life Support course, therefore, the draft must be amended to reflect that auxiliaries take the basic life support course. The continuing education requirements for enteral sedation permit holders will be amended to require a course related to identifying opiate seeking patients.

The regulatory proposal was tabled to incorporate a number of suggestions made by the Board.

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

1. Dr. Nilesh R. Patel - The Board took this as informational.
2. Dr. Omar D. Porras - The Board determined that additional information be obtained.
3. Dr. Kayvon Haghighi - The Board determined that additional information be obtained.

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

The Board took the following as informational.

1. Dagomar Lazo (Unlicensed) - Offer of Settlement filed May 9, 2013.
2. Dr. Gennaro J. Langella - Final Order of Discipline filed May 1, 2013.
3. Dr. Scott M. Meltzer - Consent Order of Temporary Suspension of Licensed filed May 3, 2013.
4. Dr. Ronald M. Jupiter - Consent Order of Temporary Suspension of License filed April 26, 2013.

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

1. Dr. Michael Scaglione –  
The Board reviewed correspondence from Pamela Mandel, Esq., counsel for Dr. Scaglione requesting a payment plan to pay the costs and penalties assessed by Board Order filed on November 2, 2011 totaling \$21,046.75.

Moved to executive session for deliberation.

The Board approved the payment plan of \$500 a month, and accepts his offer to not practice until he has finished paying the penalty. His license will not be reinstated until he has finished the payments.

**VII. OTHER MATTERS:**

1. Information from Adam J. Telanoff, Esq., Viva Dental, LLC, concerning the “Viva Program,” a marketing company for dentists and dental practices.  
The Board determined that Mr. Telanoff be advised that he has not provided enough for the Board to respond to his inquiry. The Board referred him to the Board’s advertising regulations. DAG Miller will assist in drafting a letter.
2. Information from the U.S. Food and Drug Administration concerning prescription drugs distributed by Medical Device King.  
The Board in a motion by Dr. Feinberg, seconded by Dr. DeRobertis, determined that additional information be obtained. A letter will be sent to the dentists identified by the FDA who may have ordered from this company. They will be requested to provide a list of medications purchased, along with a copy of the invoices, confirmation of the disposal of the medication, confirmation of compliance with the FDA’s letter, and confirmation that all of the patients were notified; they must also state whether the product was used. Also request information on what other drug distributors they work with and how they selected this particular provider. If Botox and other injectable pharmacological agents were purchased, they will be requested to provide proof of training in compliance with the regulation N.J.A.C. 13:30-8.4A.
3. Inquiry from Sam Zwetchkenbaum, D.D.S., concerning “Education of Nursing Home Staff in Mouth Care.” Specifically, Dr. Zwetchkenbaum would like to train nurses aides and other staff members of a nursing home and requests permission to perform a hands-on training seminar on oral hygiene. The Board approved this request.

**VIII. APPEARANCES:**

1. 11:00 A.M. - Coreen Noguera, RDH - Appearance concerning reinstatement of Ms. Noguera’s dental hygiene license following the Voluntary Surrender Order filed on November 3, 2010. With the consent of Ms. Noguera, the Board moved the matter to Executive Session because it involves personal issues.

The Board returned to Public Session and in a motion by Dr. DeRobertis, seconded by Dr. Riva, determined that an Order be drafted reinstating her license to practice dental hygiene with the recommendations for continued monitoring from the PAPNJ, notification to her employers of these restrictions, submission of a self-report on her ongoing recovery every six months, and completion of the outstanding continuing education courses (3 credits) by the end of the year. Ms. Noguera may apply for modification to the order after two years.

2. 2:00 P.M. - Richard J. Mercurio, DDS - *The Board met in committee due to lack of a quorum.* Appearance in follow-up to Dr. Mercurio's request for modification of the Consent Order filed by the Board on July 11, 2012. Dr. Feinberg was recused. Dr. Mercurio appeared with Michael Keating, Esq.

Dr. Mercurio discussed at length what he learned in the parenteral conscious sedation course taken at St. Joseph's hospital. He testified that he does not intend to treat ASA III patients.

The committee deliberated in Executive Session and will make a recommendation to the full Board at the next meeting.

**IX. 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.