

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE
NEWARK, NEW JERSEY(Hudson Room)

JUNE 16, 2010

ATTENDANCE: The following members were in attendance:
Shirley Birenz, RDH; Steven Brisgel; Emil Cappetta, DMD; Sheila Dashkow, DMD; Lydia David, DMD; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Alexander Hall, DMD; Beverly Kupiec, RN, Ph.D.;John Riccianni, DMD; Arnold Rosenheck, DMD

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

NOTE: The Public Session Agenda commenced at 9:30 A.M.

I. APPROVAL OF MINUTES:

On a motion by Dr. Feinberg, seconded by Dr. Hall, the minutes of the public meeting held on June 2, 2010 were approved as amended.

II. EXECUTIVE DIRECTOR'S REPORT:

1. Email from Shirley Birenz regarding revising the language about dental hygienists administering local anesthesia submitted during sunset review. This suggestion would add the Computer Controlled Local Anesthesia Delivery System in the permitted injections. The Board voted to accept this suggestion and refer this to the regulatory analyst for inclusion in the sunset regulations. The vote was 9 in favor, 1 against (Dr. Rosenheck), and 2 abstained (Dr. Riccianni and Mr. Brisgel).

III. COMMITTEE REPORTS:

1. Credentials:

Dr. Bogdan Levitsky - Resident permit application. The committee recommends approval pending receipt of test scores and transcripts.

Dr. Michael Slomnicki - Application for a dental license. The committee recommends approval.

Dr. David Koslovsky - Application for a dental license. Took the exam in Florida in 2006. The committee recommends approval pending receipt of transcripts and all test scores.

Sandra Aristizabal - Application for registered dental assistant. Information disclosed on application about her foreign educational degree in Columbia. Graduated from a dental school in Columbia. The Statute requires that applicants either complete a CODA-approved program in dental assisting, or complete 2 years of work and pass the exam.

Elizabeth Healy - Application for reinstatement of her dental hygiene license. Ms. Healy has taken the refresher course and wants to get a waiver of re-taking the NERB. Ms. Healy has been out of practice since 1997. The Board sustained its original decision that she must take and pass the clinical exam (NERB).

The Board approved the committee recommendations.

2. Continuing Education:

The Board approved the continuing education committee recommendations.

IV. LEGISLATION:

1. **A-2711** - Allows physicians to jointly negotiate with carriers over contractual terms and conditions.

The Board tabled this matter to gather more information about the legislative history and other available information.

V. APPEARANCES:

1. 9:30 A.M. - Dr. Howard Pactovis - Appearance concerning information disclosed on his application for a New Jersey dental license. Dr. Pactovis disclosed a condition that limits his clinical practice of dentistry, and discussed several malpractice issues from his prior practice of dentistry. Dr. Pactovis requests a license in order to maintain ADA membership that would permit him to provide continuing education courses to dental licensees. Dr. Pactovis would be happy to reinstate his license to “inactive” status.

On a motion by Dr. DeSciscio, seconded by Dr. Dashkow, the Board determined to reinstate his license into “Active” status with restrictions that he cannot engage in the active practice of clinical dentistry.

2. 10:00 A.M. - Dr. Frederick Ballard - Appearance concerning information disclosed on his application for a New Jersey dental license. Dr. Ballard disclosed the circumstances that resulted in the positive report on his criminal history background check.

The Board moved to Executive Session for deliberation.

On a motion by Dr. Dolinsky, seconded by Dr. Feinberg, the Board voted to issue a license, with a letter of advice to have no further contact with the criminal justice system, and seek out a mentor.

3. 10:30 A.M. - Dr. Robert Louis - Appearance concerning information disclosed on his application for reinstatement of his New Jersey dental license. Dr. Louis was indicted on 81 counts of fraud in Alabama, and pled guilty in April 2010 to three counts of attempted Medicaid fraud. Additionally, the Board was troubled that he may have been practicing in New York state without an active license, and submitted a statement from his "office manager" to that effect.

This matter was tabled to obtain additional information from his attorney; indictment, transcript of plea and judgment of conviction.

HANDOUT:

1. Inquiry from Dr. Barrett questioning whether a branch office is required. The Board determined that if she is going to cover an office for an extended period of time, a branch office license is required. However a day-to-day temporary dental coverage does not need a branch license.
2. Dr. Gina Tanios-Rafla - The Board reviewed an inquiry from Dr. Tanios-Rafla's attorney with regard to the practice during the period of active suspension. The Board determined that Dr. Tanios-Rafla is not permitted to be present in the office for clinical or administrative work.

VI. ADJOURNMENT