



New Jersey State Board of Dentistry Public Session Minutes

BOARD OFFICE

NEWARK, NEW JERSEY

JUNE 19, 2002

ATTENDANCE:

The following members of the Board were in attendance:

Dr. Valentine Bloch; Dr. Emil Cappetta; Dr. Anthony Chibbaro; Patricia Delaney, RDH; Mrs. Helen Huber; Dr. William Orlacchio; Dr. John Ricciani; Dr. Barbara Rich; Dr. Arnold Rosenheck; Dr. Abraham Samansky.

ADDITIONAL ATTENDEES WERE:

Nancy Costello Miller, Deputy Attorney General; Michelle Albertson, Deputy Attorney General; Kevin B. Earle, Executive Director; Michael Dominach, Paralegal and Cecilia Moreira, Management Assistant.

ABSENT AND/OR EXCUSED:

Mr. Louis Cardenas

NOT ON THE AGENDA:

1. Nancy Costello Miller, Deputy Attorney General, discussed a "Domestic Preparedness Task Force" that is being set up to address the treatment that can be provided by individuals in the medical field in emergency situations. Specifically discussed were the duties of dental auxiliaries.

2. The Board discussed the "Dental Consultant" proposal N.J.A.C. 13:30-8.18. The Board reviewed a letter from Attorney General David Samson advising that he has determined not to file this adoption with the Office of Administrative Law. The proposed regulation therefore expired. The Attorney General indicated that he was not convinced that the legal questions have been sufficiently addressed. He recommends that a special task force be created to address this issue. After discussing this matter, the Board in a motion by Dr. Rich, seconded by Dr. Bloch determined that a letter be sent expressing the Board's disappointment with this decision and requested that representatives of the Board be made part of the task force. In addition, the Board requests a written explanation of the reasons this proposal was rejected. Dr. Ricciani and Dr. Rosenheck were recused. The motion passed with seven members in favor.

3. Dr. Anthony Spain - The Board discussed a request seeking a stay of the second thirty day active period of suspension due to the hardship on his patients. The Board denied this request. Dr. Spain must complete the active period of suspension between July 1, 2002 and August 31, 2002.

APPEARANCES:

1. 11:45 A.M. - Dr. Salvatore Napoli - Appearance concerning Dr. Napoli's request for modification of restrictions

set forth in the Board's Reinstatement Order of 4-13-00. Dr. Napoli appeared with Dr. David Canavan from Physician's Health Program.

At the conclusion of all questioning, the inquiry was ended.

After discussing this matter, the Board determined to grant Dr. Napoli an unrestricted license. He must however continue with PHP on a bi-monthly basis for six months and then on a quarterly basis for the next year with quarterly reports to the Board. He shall submit to urine monitoring, continuation of counseling and attendance at AA/NA. There shall be no modification to these requirements absent his appearance before the Board or a committee of the Board.

2. 12:15 P.M. - Dr. Bryan Harvey - Dr. Harvey appeared with Dr. David Canavan concerning his request for a New Jersey dental license.

Dr. Harvey has been involved in the Physicians' Health Program since late 2001. At that time he submitted an application for a residency training permit. He appeared before the Board and a residency training permit was approved with conditions and issued to St. Joseph's Hospital and Medical Center.

Dr. Harvey requested an appearance to request approval of a New Jersey dental license. He testified that he will be in the residency training program for another year, however, he is applying for a license in order to have prescription privileges.

At the conclusion of all questioning, the inquiry was ended.

After discussing this matter, the Board determined to grant Dr. Harvey a New Jersey dental license with PHP recommendations and the same restrictions already imposed when the residency permit was issued. In addition, the Board may reconsider the restrictions upon his request for active practice. Urine monitoring was reduced to once a week.

3. 11:30 A.M. - Dr. Jose Cadiz - Dr. Cadiz appeared concerning his request for a New Jersey dental license.

Dr. Cadiz is a graduate of the University of the East in the Phillipines. He obtained a DDS degree from Columbia University in 1994 and was a PGY1 resident at Columbia from August to October, 1995. He has been working as a Respiratory Therapist at Christ Hospital in Jersey City from 1995 to the present. He has recently obtained licensure in New York. He has not actually practiced dentistry in seven years.

At the conclusion of all questioning, the inquiry was ended.

After discussing this matter the Board determined that in order to qualify for a New Jersey dental license Dr. Cadiz will have to retake and pass the N.E.R.B. examination.

4. 1:00 P.M. - Dr. Robert S. Posner - Hearing in Mitigation of Penalty. Dr. Posner appeared with counsel, Mr. Neal Duffy. Deputy Attorney General Hakima Bey-Lawson appeared for the State of New Jersey.

Mr. Duffy made an opening statement and placed reports into evidence. DAG Bey-Lawson reserved her opening statement to be included in her closing statement. Mr. Duffy called Dr. Posner as a witness, followed by questioning from DAG Bey-Lawson and the Board.

Closing statements were made by Mr. Duffy and DAG Bey-Lawson.

The matter was moved to Executive Session for deliberation.

The Board returned to Public Session and in a motion by Ms. Delaney, seconded by Dr. Rosenheck determined the following:

- Eight (8) year suspension, four years of which are active commencing "Nunc Pro tunc" on 6/3/98 with the remaining four years to serve as probation to start upon Dr. Posner's commencement of active practice in New

Jersey.

- May not practice as a solo practitioner. Must have a monitor in place at all times when he is treating patients.
- Continued counseling with submission of quarterly reports.
- Payment of the costs involved in this proceeding.
- Reprimand will be issued for violation of the Board's previous Order in that Dr. Posner practiced for a period of time without a monitor.
- Prior to active practice in New Jersey he must:
- Submit the appropriate continuing education credits
- Undergo an evaluation by Physician's Health Program.
- Must pass N.E.R.B. or the Florida Boards.
- Appearance before the Board at the end of the four year probation to determine whether any changes are required.

COMMITTEE REPORTS:

1. Julie McCarty - Application for a dental hygiene license. The Board reviewed the additional information received. The Board in a motion by Ms. Delaney, seconded by Dr. Bloch approved this application.

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