

**NEW JERSEY STATE BOARD OF DENTISTRY  
PUBLIC SESSION MINUTES  
BOARD OFFICE  
NEWARK, NEW JERSEY JULY 1, 2009**

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

ATTENDANCE: The following members were in attendance:

Shirley Birenz, RDH; Steven Brisgel; Emil Cappetta, DDS;  
Sheila Dashkow, DMD; Peter DeSciscio, DMD; Herbert Dolinsky, DDS;  
Maxine Feinberg, DDS; Alexander Hall, DMD; Beverly Kupiec, RN, Ph.D.  
John Ricciani, DMD; Arnold Rosenheck, DMD

OTHER ATTENDEES: Deputy Attorney General Nancy Miller and Joseph Donofrio; Executive Director, Jonathan Eisenmenger; Michael Dominach, Paralegal; Cecilia Moreira, Senior Management Assistant

I. APPROVAL OF MINUTES: May 27, 2009 - Approved as amended  
June 3, 2009 - Approved as amended  
June 10, 2009 - Approved as amended

## II. EXECUTIVE DIRECTOR'S REPORT

1. Deputy Attorneys General Joseph Donofrio has been reassigned to other boards. Deputy Attorney General Swang Oo will be assigned to the Board of Dentistry to replace DAG Donofrio effective August 1, 2009.

1. Statistics for the month of June 2009: 289 applications received  
189 licenses/permits approved  
Statistics for fiscal year 2008-2009: 1798 applications received  
1567 licenses/permits approved

2. The Board discussed a possible meeting date of July 29, 2009 for executive matters.

3. Status report concerning the registered dental assistant applicants that took the Dental Studies Institute course.

4. A letter has been sent to all Residency Program Directors concerning the requirement for individuals enrolled in the program to maintain current permits.

## III. COMMITTEE REPORTS

1. Credentials:

Dental Auxiliaries:

- Jill Baltieri Vaccarro - Application for reinstatement of a dental hygiene license.

Ms. Vaccaro took the refresher course but is having difficulty in finding a patient to take the NERB exam. She is requesting waiver of the clinical portion of NERB and requesting that she be required to only take the computer simulated test. The Board directed her to contact the Dental School, or the program that provided her with the refresher course for assistance. She expired in 1999 and must take the exam.

- Linda Connover - Application for reinstatement of her registered dental assistant

registration which expired in 2006. Ms. Connover is requesting a waiver of the reinstatement fee. The Board move this matter to Executive Session for deliberation. The Board determined that she must complete twenty ( 20) hours of continuing education and must pay all the fees.

The Board in a motion by Ms. Birenz, seconded by Dr. Dashkow, approved the committee's report:

Dentists:

- Dr. Harry Crystal Cornelus - Application for a New Jersey dental license.

Dr. Cornelus meets all requirements for licensure. The committee recommended approval.

- Dr. Holly Elderidge - Application for a New Jersey dental license. Dr. Elderidge meets all requirements for licensure.

The committee recommended approval. - Dr. Magadlena Coran - Application for a resident permit. Dr. Coran meets all requirements.

The committee recommended approval.

- Dr. Christopher Kryzinsky - Application for a resident permit. Dr. Kryzinsky meets all requirements.

The committee recommended approval. - Dr. Wendy Mayer - Application for reinstatement of license.

Dr. Mayer took the NERB in 1986. Recently she completed a residency in Jersey City Medical Center. In 2006 the Board had advised Dr. Mayer that in order to reinstate her license she must take the DSCE portion of the NERB exam. Dr. Mayer has not completed the DSCE. The Board determined that she must complete the DSCE prior to reinstatement of license.

- Dr. Jeffrey Haimson - Application for reinstatement of his New Jersey dental license.

The Board committee recommended approval. The Board in a motion by Dr. Cappetta, seconded by Dr. DeSciscio, approved the committee's recommendations.

- Mary Voitas, Mountainside Hospital - The Board discussed an inquiry questioning whether "externs" can provide simple treatments for patients.

The Board in a motion by Dr. Feinberg, seconded by Dr. Cappetta, indicated that externships mean that students "shadow" a resident or licensee; they do not treat patients. Externships for observational purposes may be approved. Externs engaging in the practice of dentistry, would not be consistent with ensuring public health, safety, and welfare.

## 2. Continuing Education:

The committee recommended approval of five (5) continuing education courses. The Board in a motion by Ms. Birenz, seconded by Dr. DeSciscio, approved the committee's recommendations.

## IV. NOMINATIONS FOR PRESIDENT AND VICE-PRESIDENT OF THE BOARD:

President:

A motion was made by Dr. Ricciani, seconded by Dr. Rosenheck, nominating Dr. Cappetta for president.

Vice-President:

A motion was made by Dr. DeSciscio, seconded by Dr. Rosenheck, nominating Dr. Ricciani for vice-

president.

## V. REQUEST FOR CLARIFICATION OF THE BOARD'S REGULATION

1. Administration of Local Anesthesia by licensed dental hygienists - The Board discussed a request for clarification with regard to the scope of practice for administration of local anesthesia by licensed dental hygienists. The concern is whether a licensed dental hygienist, after completing the required course and NERB exam, is allowed to administer local anesthesia for purposes outside of scaling and root planning.

The Board referred to its previous public minutes from March 4, 2009 which indicate that second division blocks are precluded. Only the blocks listed in the regulations are allowed.

The Board in a motion by Dr. Cappetta, seconded by Dr. Dolinsky, determined that the restriction is V-2/second division block via the greater palatine canal on the palate. Local anesthesia could be administered by a dental hygienist for any procedure at the direction of the dentist.

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

1. Dr. Sally-Jo Placa & Dr. Nathan Decker (Jersey Shore Medical Center) - The Board took this as informational.

2. Dr. Richard C. Kessler - The Board took this as informational.

3. Dr. Warren M. Merguerina, Jr. - The Board took this as informational.

4. Dr. Bart A. Schneiderman - The Board took this as informational.

## VII. PROVISIONAL ORDER OF DISCIPLINE TO BE FINALIZED

1. Dr. Sygal Harpaz - The Board moved this matter to Executive Session for deliberation. This matter was tabled to the next meeting.

## VIII. REQUESTS FOLLOWING THE BOARD'S ORDER

1. Dr. David Kalter - The Board reviewed a request for removal of the restrictions placed on Dr. Kalter's licensed in the Order filed on June 9, 2008. The Board moved this matter Executive Session for deliberation.

The Board approved the request to remove restrictions upon a representation that Dr. Kalter would continue with Professional Assistance Program.

2. Dr. Joel P. Kurtz - The Board reviewed correspondence from Stephen Schechner, Esq., counsel for Dr. Kurtz requesting clarification that Dr. Kurtz will not be required to comply with any of the conditions of the Board's Order while on inactive status but that should decide to return to active practice he will be required to comply with the Board's Order. The Board approved this request but directed that a Certificate of Debt be filed for the outstanding penalties.

3. Dr. David Garbolino - The Board reviewed correspondence from the Professional Assistance Program indicating that Dr. Garbolino is approaching six years of ongoing, documented recovery and is no longer participating in the program. The Board moved this matter to Executive Session for deliberation.

The Board determined that a letter be sent to Dr. Garbolino wishing him well in his continued recovery.

## IX. PROOF OF COMPLETION OF THE PRIM-E COURSE PER THE BOARD'S ORDER

1. Dr. Ngan Hirai - The Board reviewed the proof of completion of the PRIM-E course. The Board took

this as informational.

## X. ORDERS/SETTLEMENTS FILED BY THE BOARD IN THE MONTH OF JUNE 2009

1. Dr. Richard I. Cohen - Consent Order filed on June 19, 2009. This was taken as informational.
2. Dr. John D. Rosa - Order Removing Restrictions on License. This was taken as informational.
3. Dr. Paul K. Tran - Settlement Letter filed on June 2, 2009. This was taken as informational.
4. Dr. Gary S. Schneiderman - Administrative Complaint filed on June 12, 2009. This was taken as informational.

## XI. OTHER MATTERS

1. The Board reviewed an inquiry from Tyson M. Graygor seeking clarification of Board regulation 13:30-8.13 which addresses permissible business structures. The Board noted that it does not give legal advice, and he should consult with private counsel.

The Board is also requesting additional information from "Garden State Dental" about its current ownership structure.

2. The Board reviewed an inquiry from Jennifer L. Gross, RDA, concerning OSHA regulations. The Board determined that she be sent a copy of the regulations for the scope of practice of an RDA and/or orthodontic assistant.

3. The Board reviewed an inquiry from Melissa Griffin, CDA, concerning the Solmetex Hg5 Amalgam Separator. The Board noted that this is a Department of Environmental Protection regulation. Mr. Arthur Meisel will provide the Board with the citation, which will be provided to Ms. Griffin.

4. The Board reviewed information provided by Arthur Meisel, Esq., from the New Jersey Dental Association concerning tooth whitening. The Board took this as informational.

5. American Dental Association -

- Correspondence concerning "Clinical Licensing Examinations."
- Call for written comments: Proposed changes to the ADA CERP recognition standards and procedures.

The Board took this as informational.

NOTE: The Board requested that these materials also be added to the Sunset File with regard to the continuing education regulations.

## HANDOUTS:

1. UMDNJ - The Board reviewed an inquiry questioning whether dentists are permitted to do finger stick blood tests. The Board determined that this is permitted as long as the test is related to procedures within the scope of practice of dentistry.

2. The Board reviewed an inquiry from William Isele, Esq., questioning the number of hygienists a dentist may supervise in an institutional setting. The Board noted that in accordance with NJAC 13:30-1A.3(f), a dentist may supervise up to three (3) hygienists in a facility at any one time. If Mr. Isele wishes to suggest a revision to the rule, he is invited to provide information for the Board's consideration.

NOTE: This inquiry will be added to the Sunset Review file.

3. The following are the potential meeting dates for 2010. The Board will advise of any conflicts:

January 6 & 20 July 7 & 21

February 3 & 17 August 4

March 3 & 17 September 1 & 15

April 7 & 21 October 6 & 20

May 5 & 19 November 3 & 17

June 2 & 16 December 1 & 15

4. Dr. John Kallis - The Board discussed the draft consent order provided by the Attorney General. The Board in a motion by Dr. Riccianni, seconded by Dr. Feinberg, approved the terms as presented by the Attorney General.

ADJOURNMENT: The Board in a motion by Dr. Rosenheck, seconded by Dr. DeSciscio adjourned the public session part of the meeting (10:55 A.M.)