

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE
NEWARK, NEW JERSEY

JULY 6, 2011

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

ABSENT AND/OR EXCUSED: Sheila Dashkow, DMD; Mr. Jerome Fernandez; Arnold Rosenheck, DMD

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

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

I. APPROVAL OF MINUTES: June 1, 2011 - Approved as amended.

II. COMMITTEE REPORTS:

1. Credentials:

(a) The Board discussed an inquiry from the Board office concerning new applications received from individuals that took the Florida exam and whether the exam is acceptable for licensure as equivalent to NERB. The Board noted that each application will be reviewed on a case by case basis. They also noted that effective October 2011 the Florida exam will be recognized as the ADEX exam.

The Board noted that the regulations should be changed to reflect that NERB and ADEX are equivalent. This matter was referred to the regulations committee.

(b) Dr. Christine Min - Application for a New Jersey dental license. Dr. Min took CRDTS exam and meets all other requirements. The committee recommends approval.

(c) Dr. Jennifer Guidry - Application for a New Jersey dental license. Dr. Guidry took exams in Louisiana and Mississippi. The committee requested that test scores be obtained for each category of the exam to determine if the exams are equivalent to NERB.

(d) Dr. Alaa Mohsen - Dr. Mohsen was a practicing dentist in Baghdad, Iraq and is requesting a teaching permit for dental hygiene education. The Board determined that Dr. Mohsen does not qualify for this permit as per NJSA 45:6-16.4.

This issue was referred to the regulations committee for further study.

The Board in a motion by Dr. Hall, seconded by Dr. Kupiec, approved the committee's recommendations.

2. Continuing Education:

(a) The Board in a motion by Ms. Birenz, seconded by Dr. Cappetta, approved the continuing education committee report.

(b) The Board reviewed an application from Bruce G. Freund, DDS, American Academy of Facial Cosmetics, requesting approval of a course in the administration of injectable pharmacologics. Zev Schulhof, DMD, M.D., from this group was present at the meeting and addressed the Board concerning this application. During discussion of this matter, the Board requested that the course outline be modified to include an added focus on anatomy. The Board also noted that dentists attending this course must be advised of the limitations that the scope of practice for dentists imposes on the administration of injectable pharmacologics. This application will be reconsidered once the additional information is received.

III. NOMINATIONS:

1. Nominations for President and Vice-President of the Board.

(a) Dr. Feinberg, seconded by Dr. Cappetta, nominated Dr. Dolinsky for President of the Board.

(b) Dr. Feinberg, seconded by Dr. Hall, nominated Dr. DeSciscio for Vice President of the Board.

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

Additional information requested:

1. Dr. Robert T. McTaggart - The Board took this as informational.

New reports:

1. Dr. Kenneth Tanen - The Board took this as informational.

2. UMDNJ - Dental School - The Board took this as informational.

V. REQUEST FOR REINSTATEMENT FOLLOWING DISCIPLINARY ACTION:

1. Dr. Daniel Smilowitz - Request for early reinstatement of license following suspension of license by Board Order. The Board moved this matter to Executive Session for deliberation. The Board determined that additional information be obtained prior to making a decision.

VI. ADMINISTRATIVE COMPLAINT AND ANSWER:

1. Ewa Baginski, DDS and Piotr Baginski - The Board reviewed the Formal Complaints and Answers to the Complaints. The Board discussed whether to retain the matter for hearing or refer it to the Office of Administrative Law. The Board determined to retain the case. This matter will be scheduled for a hearing in the fall.

VII. ORDERS FILED WITH THE BOARD:

The Board took the following Orders as informational:

1. Liana Bascéanu-Sarbu, DDS - Consent Order of Voluntary Surrender of Licensure filed on May 23, 2011.
2. Daniel A. Smilowitz, DDS - Final Consent Order filed on May 23, 2011.
3. Musa P. Macapodi, DDS - Settlement Letter filed on June 13, 2011.
4. Andriy Makaruha (Unlicensed) - Settlement Letter filed on June 13, 2011.
5. Dr. David Kalter - Settlement Letter filed on June 16, 2011.
6. Dr. Vinod S. Brahmbhatt - Consent Order filed on June 13, 2011.
7. Dr. Edward Wallendjack - Consent Order of Reinstatement filed on June 13, 2011.

VIII. OTHER MATTERS:

1. The Board reviewed correspondence from Clifford G. Lisman, DMD, requesting the Board to provide a mechanism for dentists who have graduated from an accredited dental school and/or accredited general practice residency program to obtain an expedited and automatic license to practice dental hygiene while in the process of obtaining their dental license. The Board determined that Dr. Lisman be advised that this cannot be done.
2. The Board reviewed an inquiry from August D. Pellegrini, DDS, Director of Clinics UMDNJ, requesting the Board to revisit the issue to allow destruction of educational models. The Board determined that according to the Board's regulation 13:30-8.7(d) models not used for definitive treatment could be destroyed.

3. The Board reviewed an inquiry from Princeton Insurance Company concerning the Board's position on dentists selling weight loss products to their patients. During the Board's discussion of this matter Board members questioned whether dentists would be counseling the patients on weight loss. The Board determined that additional information be obtained in order to determine if it is within the scope of practice of dentistry.
4. The Board reviewed an inquiry questioning whether the law requires a new, sterilized handpiece for each patient, or can they be sanitized between each patient using a sani-wipe. The Board noted that CDC guidelines must be followed. This matter was moved to Executive Session for further discussion. More information to be obtained.

IX. HANDOUTS:

1. S-2958 - The Board reviewed proposed legislation which "allows graduates of foreign dental schools to take examination and become licensed as dental hygienists." The Board noted that it would not have the resources to evaluate the programs. Members expressed concern that foreign dentists may have graduated from schools that are not accredited and expressed its belief permitting this was not in the best interest of the public. The Board was opposed to this bill.
2. The Board discussed a request from Samuel Caruthers, M.D., to be allowed to provide parenteral conscious sedation in a dentists' office. The Board's regulation 13:30-8.2 (I) requires a person to be a member of the anesthesiology staff of an accredited hospital or that he/she be authorized to perform anesthesia services by the Board of Medical Examiners. Dr. Caruthers has an application pending with the Medical Board for Alternative Privileges. The Medical Board has granted permission to administer anesthesia/sedation while the application is pending. The Board determined that Dr. Caruthers provide a copy of his Board certification and medical degree.
3. The Board reviewed an application for reinstatement of license from Dr. Sandra Kupferman and a request for reduction in the reinstatement fees. Her license expired on October 31, 2033. The Board determined that Dr. Kupferman must take the DSCE part of NERB prior to reinstatement and pay the fees as required by law.
4. The Board discussed a request from Dr. Condello as to whether a DVD can be used for five hours to be used towards the required 21 hours for a course in the administration of injectable pharmacologics. The Board determined that this would not be acceptable.

X. APPEARANCES:

1. 10:30 A.M. - Dr. Louis Malcmacher - Dr. Malcmaher was present to discuss his application for course approval for the course in the Administration of Injectable Pharmacologics. He provided the Board with a list of the places where his course will be given. During discussion of this matter the Board expressed concern that the course should include more about anatomy. The Board asked that dentists must be advised of the limitations placed on the use of these products by the permissible scope of practice for dentists. The Board also requested that Dr. Malcmacher provide the Board with a copy of the FDA protocol. This matter will be reconsidered once the additional information is received.

X. ADJOURNMENT: The Board adjourned the Public Session at 11:45 A.M. 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.