

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE

NEWARK, NEW JERSEY(Somerset Room)

JULY 7, 2010

ATTENDANCE: The following members were in attendance:  
Shirley Birenz, RDH; Steven Brisgel; Emil Cappetta, DMD; Sheila Dashkow, DMD; Lydia David, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Alexander Hall, DMD; John Ricciani, DMD

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

ABSENT AND/OR EXCUSED: Peter DeSciscio, DMD; Beverly Kupiec, RN, Ph.D.; Arnold Rosenheck, DMD

**NOTE: The Public Session commenced at 10:00 A.M.**

**I. APPROVAL OF MINUTES:**

On a motion by Dr. Feinberg , seconded by Dr. Hall, the public minutes of the meeting held on May 19, 2010 were approved as amended.

**II. EXECUTIVE DIRECTOR'S REPORT:**

1. A report on applications and licenses issued.
2. Report on the language in the recently enacted budget legislation that limits all board members to a maximum of \$100 per month, including expenses. As such lunch will not be provided at future board meetings. The Board expressed dismay at the policy noting that it works through lunch to complete its extensive agendas and that the Board is self-financed by licensing fees, and the Board's budget has been balanced through 2011.

**III. COMMITTEE REPORTS:**

**1. Credentials:**

Jennifer Enos (RDA) - Initial application, which disclosed a positive criminal history background check. She took and passed the expanded functions exam. On a motion made by Dr. Feinberg, seconded by Dr. Hall, the Board voted to issue a license pending proof that she passed the jurisprudence exam and the receipt of any additional documents from DANB concerning the conditional certified dental assistant credentials..

Sandra Artistizabal (RDA) - This application appeared on a prior agenda. She has provided proof of work experience, but had to provide all documents concerning the criminal history background check. The board voted to issue a license with a letter to refrain from future activity that could result in an arrest.

Michelle DeCampre (RDH) - Initial application which disclosed a positive criminal history background check. The Board voted to issue a license.

Dr. Samina Kathawala - Initial application, which disclosed a positive criminal history background check. The board voted to issue a license, pending verification of NERB scores.

Dr. Efron Socarras - Reinstatement application, which disclosed a disciplinary action in New York. The board voted to issue a license by consent order with a one-year probation, pending receipt of proof of 80 hours of continuing education and a certification concerning his work experience in the last 5 years.

Dr. Ardeshir Taheri-Tafreshi - Endorsement application from California. Dr. Taheri-Tafreshi provided information about the board test he completed in California. The Board voted to approve the application.

Dr. Catrise Austin - Endorsement application which disclosed two databank cases, including a consent order in New York state. Dr. Austin does otherwise meet all requirements for licensure. The Board voted to approve the application.

Dr. James Fang - Initial application in which the doctor did not answer the question regarding malpractice action. Request more information from the doctor and ask him to answer the questions on the application about the malpractice actions.

## **2. Continuing Education:**

The committee approved five courses and denied one course request.

Several dentists have requested to present CE programs in their offices. In the past, the Board has requested proof that the dentist(s) are ADA and CERP certified providers of continuing education. After discussion, the Board approved the course.

The Board referred this issue to the regulations committee.

## **IV. REGULATION:**

1. The Board reviewed correspondence between Sharon Joyce, acting director of the Division of Consumer Affairs, and Senator Michael Doherty concerning the use of Sargenti Paste and other para-formaldehyde substances. The Board was requested to consider promulgating regulations to address the use of such substances in New Jersey. The chair directed that this matter be referred to the regulations committee for review and recommendation. The executive director was requested to contact the ADA, NJDA, the American Academy of Endodontists, and other state boards, to collect information about their positions on such substances.

**V. REPORTS SUBMITTED PURSUANT TO N.J.A.C. 13:30-8.8:****Additional information requested:**

1. Dr. Mitchell H. Bialor - Dr. Bialor submitted additional information about an incident that occurred in his office. This was taken as informational.
2. Dr. Hazrihar Kumar - Dr. Kumar submitted additional information about an incident that occurred in his office.  
This matter was moved to Executive Session for deliberation. The Board tabled the matter.

**New reports:**

1. UMDNJ - New Jersey Dental School - This was received as informational.
2. Dr. Kenneth Tanen - The Board determined to request more information about the actions of the dentist during the time between making the phone call to emergency medical services and the arrival of the paramedics.
3. Dr. Joseph A. Toia - This was received as informational.
4. Dr. Todd T. Garland - The Board determined to request more information, specifically a statement from the dentist concerning his rationale for the treatment rendered, as well as a copy of the patient's complete records.
5. Dr. Jaime M. Magsino - The Board determined to request more information; specifically why treatment was continued after the patient suffered an adverse reaction. The complete patient records should be submitted.
6. Dr. Benaifer Dubash - This was received as informational.

**VI. INFORMATION IN FOLLOW-UP TO THE BOARD'S ORDER:**

1. Dr. John Kirkowski - Dr. Kirkowski submitted a report, with pictures, as required by consent order. He also submitted spore testing reports and waste management contracts. This was accepted as informational.
2. Dr. Gerald Hirsch - The Board reviewed a response from Dr. Allen Savage with regard to Dr. Hirsch's work duties in his office. Dr. Savage states that Dr. Hirsch does not treat patients nor has he been a consultant. The Board requests that Dr. Hirsch explain what kind of clinical dentistry he has been practicing since the reinstatement of his license and an explanation of his statement that he was a consultant for Dr. Savage.

3. Dr. James TenBrook - Dr. Tenbrook is required to undergo a psychological examination. He has submitted the names of two psychologists. The Board will request that the attorney submit the curriculum vitae of these two doctors for consideration.

## **VII. RESPONSE TO UNIFORM PENALTY LETTER:**

1. Dr. Robert Dubman - The Board reviewed Dr. Dubman's response to a Uniform Penalty Letter assessing a \$500 penalty for an advertising violation. The Board moved to executive session for deliberation. The Board determined to rescind the Uniform Penalty Letter.

## **VIII. SISTER STATE ACTIONS:**

1. Dr. Martin J. Thaler - The Board reviewed disciplinary action taken by the New York Board. Dr. Thaler is inactive in New Jersey. The Board determined to flag this file and request information if Dr. Thaler seeks reinstatement of license.
2. Dr. Juanita Okemwa - The Board reviewed disciplinary action from California where Dr. Okemwa surrendered her license because she did not complete requirements for licensure in California. Dr. Okemwa's New Jersey license is on active status with expiration of October 31, 2011. The Board will request that the doctor provide an explanation.
3. Dr. Victor R. Goldmerstein - The Board reviewed disciplinary action taken in the State of Connecticut. He was disciplined for a record keeping violation. The Board took this as informational.
4. Dr. Sholom Fuzailov - The Board reviewed information concerning Medicaid fraud in 2006 and a 2 year suspension in New York for professional misconduct. The Board moved this matter to Executive Session for deliberation. The Board determined that additional information be obtained.
5. Dr. Stanley Cohen - The Board reviewed disciplinary action taken in the State of Florida where he agreed to surrender his license. Dr. Cohen has an active New Jersey license with expiration October 31, 2011. The Board will request that the doctor provide an explanation concerning this matter.

## **IX. OTHER MATTERS**

1. The Board discussed an inquiry from Dr. Douglas Gelber concerning "limited liability corporations." The Board determined that a copy of the advertising regulations be sent to Dr. Gelber.
2. The Board discussed an inquiry from Michele Lieberson, dental hygienist, concerning obtaining a waiver of the continuing education requirements for licensure renewal. The Board granted her a six month extension to complete her continuing education courses.

**X. ORDERS FILED WITH THE BOARD:**

1. Kolette E. Keenan, RDH - A final consent order was filed on June 2, 2010. This was received as informational.
2. Dr. Nicholas F. Breen - A consent order of reinstatement was filed on June 17, 2010. This was received as informational.
3. Dr. Wayne T. Faber - A final order of discipline was filed on June 16, 2010. This was received as information only.

**XI. APPEARANCES:**

1. 1:00 P. M. - Peter Crapanzano, DDS - Appearance in the matter of the motion in aid of litigants rights filed by the Attorney General on June 23, 2010. Dr. Crapanzano appeared with Michael Pappa, Esq. Dr. Crapanzano's license to practice dentistry in New Jersey was suspended by the Board on January 28, 2010 for a period of three years, with the first 6 months served as an active suspension beginning February 28, 2010. Deputy Attorney General Jeri Warhaftig argued that Dr. Crapanzano has been practicing dentistry while his license has been suspended. The Attorney General requested that the Board extend the active portion of the suspension. Dr. Crapanzano through his attorney acknowledged the conduct and asked to be heard in mitigation of any sanction.

The Board in a motion by Ms. Birenz, seconded by Dr. Hall, moved to executive session.

After considering the testimony and the arguments, the Board in a motion by Dr. Dashkow, seconded by Ms. Birenz, determined to activate the 2 ½ years of stayed suspension. The Board noted it would entertain a motion to reconsider the active suspension after not less than one year (August 2011). As part of such a motion, the Board noted that it will consider at time of reinstatement reports of treatment from psychologists, community service, completion of ethics course, continued compliance with OIFP Order, information and disposition of pending criminal charges.

**PUBLIC COMMENT:**

1. The Board discussed a recent complaint filed by the FTC against the North Carolina Board of Dentistry.
2. On a motion by Ms. Birenz, seconded by Dr. Dolinsky, the Board ratified the decision of Dr. Cappetta to offer a Voluntary Surrender order to Dr. Ewa Baginski after her recent arrest for aiding the unlicensed practice of her husband.

**XII. ADJOURNMENT:**