

NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
NEWARK, NEW JERSEY
JULY 8, 2015

NOTE: The Public Session was called to order at 10:00 A.M. by Herbert Dolinsky, DDS
(The President and Vice-President arrived shortly thereafter.)

ATTENDANCE: The following members were in attendance:

Joseph Battaglia, DMD; Shirley Birenz, RDH; Emil Cappetta, DDS; Elizabeth Clemente, DDS; Peter Clemente, DMD; Nicholas C. DeRobertis, DMD; Herbert Dolinsky, DDS; Roger Kriete, DMD; Beverly Kupiec, PhD, RN

OTHER ATTENDEES: Deputy Attorney General Oo; Cecilia Moreira, Senior Management Assistant; Executive Director Jonathan Eisenmenger

ABSENT: Steven Goldstein, DDS; Richard D. Riva, DDS

I. APPROVAL OF MINUTES: June 17, 2015 - Motion by Dr. DeRobertis, seconded by Dr. E. Clemente, approve the minutes as amended.

II. COMMITTEE REPORTS:

A. Applications:

NOTE: The Board discussed the following applications for individuals applying for licensure by credentials, having taken examinations administered by WREB and CRDTS. The Board in a motion by Dr. DeRobertis, seconded by Dr. Elizabeth Clemente, determined to form a committee to examine the WREB & CRDTS exams to determine the comparability with the ADEX exam.

Information will be obtained from NERB as to the comparability of the ADEX exam and the WREB. Per N.J.S.A. 45:1-7.5 the Board has to determine whether the exam is similar in comparable scope and rigor.

1. Dr. Mark Birner - Application for a dental license. Dr. Birner took CRDTS exam in 1985. N.J.S.A. 45:1-7.5(e) an applicant's experience may be considered to compensate for a disparity in education/examination. Request that Dr. Birner provide details about his work experience, and details about his intentions and plans to practice in New Jersey. Additionally, the Board requests any and all additional information regarding the disciplinary actions in other states. This information will be forwarded to the committee for review.
2. Dr. Padma Mukherjee - Application for a dental license. Dr. Mukherjee took the WREB in March 2008.

3. Dr. Yoon Chan P. Han - Application for a dental license. Dr. Han took the WREB in March 2009.
4. Dr. Manjusha Tummala - Application for a dental license. Dr. Tummala took WREB in March 2009.
5. Dr. Latoya Callahan - Application for a dental license. Dr. Callahan took CRDTS in May 2006.
6. Dr. Jeffrey Straub - Application for a dental license. Dr. Straub took CRDTS in May 1979.
Request that Dr. Straub provide information about his intentions and plans to practice in New Jersey.
7. Dr. Raquel M. Rozdolski - Application for a dental license. Dr. Rozdolski took the WREB in March 2012 and took the NERB DSE in May 2012.

B. Continuing Education:

The Board in a motion by Dr. Battaglia, seconded by Dr. DeRobertis, approved the committee recommendations.

C. Regulations:

1. Proposed regulation - Registration for limited registered dental assistant in orthodontics, (LRDA-O) and scope of practice for dental auxiliaries. Regulatory Analyst Rachel Glasgow appeared before the Board with proposed language developed by the committee in response to a petition for rule making.

The Board in a motion by Dr. Peter Clemente, seconded by Dr. DeRobertis, determined to publish the proposal in the New Jersey Register. The Board authorized, the regulatory analyst to modify the proposal in order to reflect any changes to the regulations that may take effect based on the adoption of existing proposals.

Dr. Battaglia, seconded by Dr. Kriete, moved to amend the language of the proposal to limit the number of LRDA-Os to three at one time. The motion failed to carry. The vote was 3 in favor and 5 opposed.

The vote on the original motion to propose was unanimous.

The motion includes authority for regulatory analyst to have discretion to modify the proposal as it relates to dental hygienists to conform to proposed changes to the regulations previously approved by the Board.

III. NOMINATIONS FOR PRESIDENT AND VICE-PRESIDENT OF THE BOARD:

Dr. Kupiec nominated Dr. Cappetta for president, seconded by Dr. Dolinsky.

Dr. P. Clemente nominated Dr. DeRobertis for president, seconded by Dr. E. Clemente.

Dr. Cappetta nominated Dr. Dolinsky for Vice-President, seconded by Dr. Kupiec.

IV. REQUEST FOR LICENSURE REINSTATEMENT:

1. Dr. Judd Garson - Follow-up correspondence from Professional Assistance Program concerning Dr. Garson's compliance with the PAPNJ monitoring and Dr. Garson's request for reinstatement license.

This matter was moved to executive session for deliberation. On return to public session, the Board determined not to reinstate license at this time.

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

1. Dr. Robert W. Mermer - The Board determined that additional information be obtained.
2. Rutgers School of Dental Medicine - The Board took this as informational.
3. Dr. Michael Hoffmaster - The Board took this as informational.

VI. FOLLOW-UP TO BOARD ORDER:

1. Dr. Leonid Itskov - Following the entry of a Consent Order on March 9, 2015, Mr. Schechner submitted a certificate of completion of a mini-residency in implant dentistry provided by the Center for Implants and Aesthetics at Englewood Dental. The request is that the mini-residency completed be accepted in lieu of the requirement for remedial education in treating medically compromised patients.

After discussing this matter, the Board determined that the mini residency does not satisfy the remedial educational requirement in the Consent Order related to treating medically compromised patients/internal medicine.

VII. REPORTS FROM THE PROBE PROGRAM AS REQUIRED BY BOARD ACTIONS:

1. Dr. Melba Bonelli - A settlement letter was filed on December 8, 2014 requiring Dr. Bonelli to take and pass the ProBE course. Proof was received from the ProBE program that Dr. Bonelli completed the course with an unconditionally pass. The Board took this as informational.

2. Dr. Aleksandr Gurvich - A Consent Order was filed on February 12, 2015 requiring Dr. Gurvich to take and pass the ProBE course. Information was received from the ProBE program that Dr. Gurvich completed the course with a “conditional” pass. They were not able to give “unconditional” grade because of the language barrier. The Board requested that ProBE work with Dr. Gurvich to have him draft a final essay in his native language, and have it translated into English for evaluation.

3. Dr. Paresh Patel - A Consent Order was filed on August 6, 2014 requiring Dr. Patel to take and pass the ProBE course. Catherine Caldicott, M.D., Program Director at ProBE reports that Dr. Patel failed the program.
Dr. Battaglia is recused from Dr. Patel’s matter because he was a consultant prior to becoming a board member.
The Board in a motion by Dr. Dolinsky, seconded by Dr. Kriete, determined that additional information be obtained from Dr. Patel. What is the status of his dental practice, provide proof of compliance with the terms of the Order; specifically that he has not practiced dentistry in NJ, and has divested from the practice. Additionally, request information about the current owner(s) of the practice, a list of employees with a brief description of licensing and job descriptions.

VIII. ORDERS/SETTLEMENTS FILED WITH THE BOARD:

The Board took the following actions as informational:

1. Dr. Todd Gottlieb - Settlement letter filed June 3, 2015.
2. Dr. Tracy Ginsburg - Final Consent Order filed on June 17, 2015.

IX. OTHER MATTERS:

1. Letter from Rebecca W. Pugh, RDH, NJDHA Executive Director, requesting clarification on “supervision” as written in the law; specifically, N.J.S.A. 45:6-69.2. The Board notes that this section of the statute applies to the school setting.

In a school setting, a RDH may provide preventive measures on any students with consent of parent.

X. HANDOUT:

1. Article concerning “Alabama State Supreme Court rules for dentists in teeth-whitening case in spite of SCT ruling.” Informational.
2. Pennsylvania Guidelines on the Use of Opioids in Dental Practice. Informational.
3. Dr. Philip Taverna - The Board reviewed a request from Dr. Taverna for an adjournment of a Public Hearing scheduled for August 5, 2015. The Board in a motion by Dr. Dolinsky, seconded by Dr. Kupiec, denied the request for an adjournment and the hearing will continue as scheduled.

XI. ADJOURNMENT: The Board adjourned the Public Session 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.