

**New Jersey State Board of Dentistry
Public Session Minutes
July 9, 2003
Board Office Newark, New Jersey**

NOTE: PUBLIC SESSION AGENDA COMMENCED AT 9:00 A.M.

ATTENDANCE: The following members were in attendance:

Dr. Emil Cappetta; Mr. Louis Cardenas; Patricia Delaney, RDH; Dr. Herbert Dolinsky; Dr. Alexander Hall; Mrs. Helen Huber; Dr. Sally-Jo Placa; Dr. John Ricciani; Dr. Barbara Rich; Dr. Arnold Rosenheck

OTHER ATTENDEES:

Deputy Attorneys General Nancy Costello Miller and Joseph Donofrio; Kevin B. Earle, Executive Director; Terri Goldberg, Assistant to the Executive Director; Michael Dominach, Paralegal and Cecilia Moreira, Senior Management Assistant.

ABSENT AND/OR EXCUSED:

Dr. Anthony Chibbaro

APPROVAL OF MINUTES:

May 7, 2003 - Approved as amended.

June 11, 2003 - Approved as amended.

COMMITTEE REPORTS:

Dental Applications:

The committee reviewed the following applications for a dental license and recommend approval:

- **Dr. Francis Short**
- **Dr. Martha Alvarez**
- **Dr. Maria Choco**
- **Dr. Lawrence Nalitt**

The committee recommends approval of the following applicants pending receipt of employment history:

- **Dr. Curtis Rindfleisch**
- **Dr. John Valencia**

The Board in a motion by Ms. Delaney, seconded by Dr. Rosenheck approved the committee's recommendations:

Dental Auxiliaries Applications:

The committee reviewed the following dental hygiene applications and recommend approval:

- **Karen Jones**
- **Melissa Harting**
- **Linda Carlo**
- **Sandra Gribler**

SECRETARY'S REPORT:

The Board in a motion by Dr. Rich seconded by Ms. Delaney approved the list of applicants for licensure and specialty permits.

NOMINATIONS:

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

Dr. Ricciani was nominated for President by Dr. Rosenheck, seconded by Mrs. Huber.

Dr. Rosenheck was nominated for Vice-President by Mrs. Huber, seconded by Mrs. Delaney.

APPEARANCES:

The following licensees were interviewed by the Board in follow-up to their request for recommendation to serve as a NERB examiner:

1. 11:00 A.M. - Susan Callahan Barnard, RDH

2. 11:15 A.M. - Robert Nack, DMD

3. 11:30 A.M. - A. Michael Krakow, DMD

4. 11:45 A.M. - Michael Conte, DMD

At the conclusion of all questioning, the Board in a motion by Dr. Rich, seconded by Dr. Roseheck determined that all four licensees be recommended to NERB. Ms. Delaney was opposed to the motion.

PROPOSED REGULATION:

1. Board of Dentistry Fee Schedules - Proposed Amendment: N.J.A.C. 13:30-8.1. No comments were received. The Board in a motion by Dr. Dolinsky, seconded by Dr. Rich, approved this proposal for adoption.

PENDING LEGISLATION:

1. A-3782 - "New Jersey Medical Service Corps Act." This proposal establishes a program for retired dentists to return to practice and addresses the issues of malpractice. After discussing this proposal the Board in a motion by Dr. Rosenheck, seconded by Dr. Hall, determined that a comment be submitted indicating that this is an interesting concept but the technical details need to be addressed. A Dental Director should oversee this program.

Any dentist who enrolls in this program should be required to comply with all Board rules and regulations and be under the Board's authority.

INCIDENT REPORTS:

The Board reviewed incident reports submitted by the following licensees:

1. Hugo Quinones, DMD

2. Cornelius L. Dyson, DDS

3. Robert Shekitka, DMD

The Board took these reports as informational.

PROVISIONAL ORDERS OF DISCIPLINE:

1. Robert Poli, DMD - The Board reviewed Dr. Poli's response to the Board's Provisional Order of Discipline. This Provisional Order was based on receipt of information that Dr. Poli had entered into a Consent Order with the Office of the Insurance Fraud Prosecutor based on submission of a claim for services where that claim did not accurately reflect the date of service. After discussing this matter the Board determined to issue a Final Order of Discipline to include a reprimand and completion of seven hours of continuing education credits in record keeping.

2. J. Martin Gelb, DDS - The Board discussed a Provisional Order of Discipline filed by the Board concerning Dr. Gelb. Dr. Gelb did not submit a response in this matter. The Board tabled this matter to confirm that Dr. Gelb received a copy of this Order.

ADDITIONAL INFORMATION IN RESPONSE TO UNIFORM PENALTY LETTER:

1. Dr. Eugene Bernstein - The Board reviewed additional information submitted by Dr. Bernstein concerning the continuing education credits for licensure renewal. After discussing this matter the Board in a motion by Dr. Rosenheck, seconded by Mrs. Huber, rescinded the Uniform Penalty Letter.

NOTE: Executive Director Kevin Earle advised the Board that about 400 letters were sent to Dental Hygienists and Registered Dental Assistants who answered yes on the renewal form to the questions regarding crimes, medical condition to those who indicated that continuing education credits were not completed.

Mr. Earle also advised the Board that a random audit of dentists will also be taking place to assure that the continuing education credits have been completed.

REQUEST FOR MODIFICATION TO THE BOARD'S ORDER:

1. Dr. Michael Parise - The Board discussed a request for reduction in the frequency of urine monitoring to once per month. Reports from Dr. Parise's psychologist and from the Chemical Dependency Program supporting this reduction were also submitted. The Board in a motion by Dr. Dolinsky, seconded by Dr. Rich, approved Dr. Parise's request.

OTHER MATTERS:

1. The Board reviewed correspondence from Dorine C. Sirota, Esq. concerning:

- **Dentist Referral for Biofeedback**
- **Self Referral and Significant Beneficial Interest**

After discussing this matter the Board indicated that the current regulations do not address these issues. This matter was referred to the Board's regulatory committee for review. Ms. Sirota will be advised accordingly.

2. The Board reviewed an article written by Dr. Bill Stephenson, Vice-President for research at UMDNJ. The Board took this as informational.

3. The Board reviewed an inquiry from Dr. Joseph Trovato questioning whether it is within the scope of dentistry to perform a nutritional analysis on every diagnosed periodontal patient. After discussing this matter, the Board in a motion by Dr. Dolinsky, seconded by Dr. Rosenheck, requested that specific details be obtained; what are the parameters of the nutritional analysis, and how the test results will be used as

they are obtained.

4. The Board reviewed an inquiry from Delta Dental concerning the status of the ownership of a dental practice after the death of a dentist. The Board noted that the wife of the dentist who passed away cannot continue to own and operate the dental practice. The Board thanked Mr. Sanborn for the information and requested that a letter be sent to the individual in question concerning this matter.

5. The Board reviewed an inquiry from Dr. James M. Maguire requesting interpretation of the Dental Practice Act concerning permissible business formats. The Board requested that specific information be obtained concerning their business endeavors.

MEETING DATES:

The Board scheduled the following meeting dates for 2004

January 7 & 21 July 7 & 21

February 4 & 18 August 4

March 3 & 17 September 8 & 22

April 7 & 21 October 6 & 20

May 5 & 19 November 3 & 17

June 9 & 23 December 1 & 15

ADJOURNMENT: