

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE
NEWARK, NEW JERSEY

JULY 10, 2013

NOTE: The Public Session Agenda was called to order at 10:00 A.M.

ATTENDANCE: The following members were in attendance:
Shirley Birenz, RDH; Emil Cappetta, DDS; Lydia David, DMD; Nicholas C. DeRobertis, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Roger M. Kriete, DMD; Beverly Kupiec, RN, PhD; Richard D. Riva, DDS

OTHER ATTENDEES: Deputy Attorney General Miller; Cecilia Moreira, Senior Management Assistant

ABSENT AND/OR EXCUSED: Sheila Dashkow, DDS; Peter DeSciscio, DMD

I. APPROVAL OF MINUTES: June 19, 2013 - Approved as amended.

II. APPEARANCES:

1. 10:00 A.M. - Darlene Kane, Budget Officer - Update about Board budget and renewal fees. Ms. Kane reported that after reviewing the Board's account, she has recommended a fee credit for most license categories for the 2013 renewal period. The Board approved the credit.

III. COMMITTEE REPORTS:

1. Dr. Ramin Kashani - Application for a dental license by credentials. Tabled from last meeting. Dr. Kashani took the WREB exam in 2005. The Board questioned whether the exam was comparable to the NERB examination. The Board indicated that the scores of the individual sections of WREB taken by Dr. Kashani be obtained. The Board cannot adequately assess Dr. Kashani's credentials without this information.
2. Dr. Anzela Lee - Application for a dental license by credentials. It appears that Dr. Lee did not achieve a 75% score on all sections of the WREB. She must successfully complete the NERB in order to qualify for licensure.

The Board in a motion by Dr. Cappetta, seconded by Dr. Feinberg, approved the recommendations of the committee.

IV. NOMINATIONS:

Nomination for President and Vice-President of the Board.

President

Dr. Kupiec nominated Dr. Dashkow for president. Dr. Feinberg seconded the motion.

Vice- President

Dr. Feinberg nominated Ms. Birenz for vice- president. Dr. DeRobertis seconded the nomination.

Dr. Cappetta nominated Dr. Kupiec for vice-president. Dr. Riva seconded the nomination.

V. PROPOSED LEGISLATION:

1. S-2875 - Proposed legislation requires prescribers and pharmacists to check prescription monitoring program prior to prescribing and dispensing Schedule II drugs.
After discussing this matter at length the Board determined to table it for further review at a later meeting.

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

1. New Jersey Dental School - Received as informational.
2. Dr. Gary Gersht - Received as informational.
3. Dr. Kimberly Goldenbaum - Received as informational.

VII. INQUIRY CONCERNING CONSENT ORDER REQUIREMENTS:

1. Dr. Richard Bradway - Additional information requested at the May 1, 2013 meeting, with a request to remove certain conditions of a Consent Order.
Moved to executive session for deliberation.
The Board returned to public session. After noting that Dr. Bradway had paid a substantial portion of the penalty assessed, it determined to stay the remainder of the penalty as required by Board Order.

VIII. ORDERS/SETTLEMENT LETTERS FILED WITH THE BOARD:

The following Board decisions were taken as informational:

1. Dr. Richard P. Russell - Offer of Settlement filed on July 1, 2013.
2. Dr. Veselin Shumantov - Settlement Letter filed on June 21, 2013.
3. Dr. Ewa Marcinkiewicz-O'Brien - Order of Temporary Suspension of License filed on May 30, 2013.

IX. OTHER MATTERS:

1. The Board reviewed information from Laura Taylor, Ph.D., N.J. Department of Health concerning “awareness among health care providers and consumers about unsafe injection practices that can lead to disease transmission.” The Board provided this information to the New Jersey Dental Association and New Jersey Dental Hygiene Association. The Board also requested that links to the Department of Health website be provided on the Board of Dentistry website.
2. The Board reviewed an inquiry from Richard Espinosa, President of Precision Consulting Associates, Inc., questioning whether discount dental plans can limit coverage to patients without insurance.
This is a follow up to a discussion by the Board at the public meeting held on April 3, 2013, concerning this same issue. As indicated at that meeting, as per N.J.A.C. 13:30-6.2(n)(4) services advertised as complimentary, free of charge or for a discounted fee shall be offered equally to all patients identified as eligible in the advertisement regardless of the patient’s third-party coverage.

NOTE: The Board also referred this matter to the Regulations Committee for review as to whether a change in the regulation is required.

3. The Board reviewed an inquiry from Donna Vagnozzi-Bucci, DMD questioning whether she can hire a dermatologist licensed in Pennsylvania to do injectable dermal fillers in her practice.
The Board determined that this is not permissible. Dr. Vagnozzi-Bucci will be advised to consult a private attorney in order to determine what business arrangements may be permissible under New Jersey laws.

X. HANDOUT:

1. Michael Conte, UMDNJ - The Board reviewed correspondence from Dr. Conte regarding the need for clinic permits at community oriented dental education sites in which dental students practice. Dr. Conte also referenced faculty practice. Dr. Kupiec is recused on this matter.

After discussion, this matter was referred to a committee to draft a series of follow up questions to submit to the dental school to obtain additional information. (Dr. Feinberg, Dr. Dolinsky, Dr. Cappetta, Dr. DeRobertis).

2. The Board discussed potential meeting dates for 2014. The Board will review the list to be finalized at the next meeting.

XI. PUBLIC COMMENT:

1. Paul Bent - Statement on behalf of the New Jersey Dental Hygiene Association concerning a recent enacted statute that requires Boards to give consideration to military veterans who have received equivalent training in applications for licensure.
2. Arthur Meisel - Gregory LaMorte was introduced as the new New Jersey Dental Association president.
Mr. Meisel requested an update concerning: GroupOn/Amazon/LivingSocial. The Board noted this is still under review.
Mr. Meisel noted that with regard to BeachBum Tanning, if the Board does not take any meaningful action by the end of the September Board meeting, the NJDA will return to the appellate seeking relief.

XII. 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.