

# New Jersey State Board of Dentistry

July 11, 2001

## Public Meeting Minutes

The meeting was called to order at 10:00 A.M. by Dr. Barbara Rich, President of the Board.

### **OPEN PUBLIC MEETINGS ACT NOTICE:**

Read by Kevin Earle, Executive Director.

### **ATTENDANCE:**

The following members of the Board were in attendance: Dr. Valentine Bloch; Dr. Emil Cappetta; Patricia Delaney, RDH; Mrs. Helen Huber; Dr. John Ricciani; Dr. Barbara Rich; Dr. Arnold Rosenheck; Dr. Abraham Samansky.

**ADDITIONAL ATTENDEES WERE:** Nancy Costello Miller, Deputy Attorney General; Rhonda Pope Stephens, Deputy Attorney General; Kevin B. Earle, Executive Director; Bernadette Dudek, Div. Rep.; Michael Dominach, Paralegal; Cecilia Moreira, Management Assistant.

### **ABSENT AND/OR EXCUSED:**

Mr. Louis Cardenas; Dr. Anthony Chibbaro; Dr. William Orlacchio

**APPROVAL OF MINUTES:** June 6, 2001 - Approved as amended.

### **EXECUTIVE DIRECTOR'S REPORT:**

1. The Board in a motion by Ms. Delaney, seconded by Dr. Cappetta scheduled the following dates for Board of Dentistry meetings for 2002:

January 2 & 16    July 10 & 24  
February 6 & 20    August 7 & 21  
March 6 & 20    September 4 & 18  
April 3 & 17    October 2 & 16  
May 1 & 15    November 6 & 20  
June 5 & 19    December 4 & 18

Mr. Earle discussed the dental renewal form. A pre-renewal form will be sent to all licensees to update all records and addresses. The medical conditions form will be sent to all licensees at least two weeks in advance of the actual renewal form. Both forms must be returned in order for an updated registration certificate to be issued.

### **COMMITTEE REPORTS:**

#### **DENTAL APPLICATIONS:**

Mr. Earle on behalf of Dr. Orlacchio reported on the committee's recommendations:

Dr. Chris Hughes - Application for a dental license by reciprocity. The committee recommends approval pending receipt of clean Data Bank report.

Dr. Stacie Calian - Application for a dental license by NERB past five years. The committee recommends approval pending receipt of Data Bank report.

Dr. Susan G. S. Anderson - Inquiry as to whether New Jersey has reciprocity with the Virgin Islands. The committee determined that New Jersey does not have reciprocity with the Virgin Islands. Dr. Anderson must take NERB in order to qualify for a license. A copy of the statutes and regulations are to be sent to Dr. Anderson.

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

Dr. Nidal Yacoub - The Board discussed the additional information received concerning his pending dental application. After reviewing this information the Board still had questions concerning his studies from the University of Pittsburgh. The Board requested that the ADA requirements approval of programs for foreign trained dentists be obtained.

## **Secretary's Report**

- List of applicants for licensure. The Board approved this list.

### **DENTAL AUXILIARIES APPLICATIONS:**

Sonda Strozza - Application for a dental hygiene license by credentials. The committee recommends approval. The Board approved the committee's recommendation.

### **OTHER COMMITTEE REPORTS:**

Dr. Bloch made a report to the Board on his recent "PIPTAC" meeting at the Department of Banking and Insurance. This was taken as informational.

### **REGULATORY ISSUES:**

The Board discussed the committee's recommendations to the proposed regulation: N.J.A.C. 13:30-1A-2, "Scope of Practice of Licensed Dental Hygienists; Nitrous Oxide, Duties of a Licensed Dentist". The Board determined the following:

The proposed regulation will include both Registered Dental Hygienists and Registered Dental Assistants. The RDA, however, will only be permitted to monitor and may not perform any other function concurrently. The Dental Hygienist will be permitted to monitor plus perform regular functions. Dr. Samansky was opposed.

Both RDA and RDH will be required to take seven (7) hours of didactic training and seven (7) hours of clinical experience to include at least ten (10) monitored administrations of nitrous oxide/oxygen inhalation analgesia. The training must occur in a college, university or hospital clinical setting. Dr. Ricciani and Dr. Samansky were opposed.

Both RDA and RDH must obtain and maintain current BCLS or ACLS certification.

Offices utilizing an RDH or RDA must be equipped with "fail-safe" nitrous oxide equipment which shall not deliver NO<sub>2</sub> unless oxygen is flowing continuously at a rate of 30%. The dental office must also be equipped with:

- (a) high speed vacuum source
- (b) Suction equipment
- (c) Equipment to deliver positive pressure oxygen
- (d) Blood pressure monitoring equipment.

Both RDH and RDA will require retraining of three (3) hours in every other renewal period in nitrous oxide analgesia.

Monitoring may not be delegated if the patient has taken any medications that may potentiate the effects of nitrous oxide/oxygen analgesia or may change the level of consciousness of the patient.

The Board in a motion by Ms. Delaney, seconded by Dr. Bloch approved this proposal for publication in the New Jersey Register.

Proposed New Rule: N.J.A.C. 13:30-8.18 - "Dental Decisions Affecting Treatment; Obligations; Professional Misconduct" - Notice of public hearing scheduled for Monday, July 23, 2001 on this proposal. This was taken as informational.

## **ELECTION OF OFFICERS:**

Nominations for President and Vice-President of the Board.

### President:

Dr. Cappetta, seconded by Ms. Delaney nominated Dr. Orlacchio for President. Mrs. Huber, seconded by Dr. Bloch nominated Dr. Cappetta for President.

### Vice-President:

Dr. Ricciani, seconded by Dr. Bloch nominated Ms. Delaney for Vice-President.

Elections will be held at the August 1, 2001 meeting.

## **CONTINUING EDUCATION:**

The Board reviewed responses to Uniform Penalty Letters for continuing education from the following licensees:

Dr. Clifford Howard - Request to waive the \$500 penalty. Dr. Howard provided evidence of 38 hours of continuing education completed before the deadline and two hours after the deadline. He indicated that he had difficulties scheduling courses because of his health problems. The Board requested that he provide a letter from his physician substantiating his medical condition.

Dr. Judith Jacobs - The Board had previously reduced the civil penalty from \$500 to \$250. Dr. Jacobs submitted additional information regarding her medical complications during her pregnancy. She is requesting that the Board waive the \$250. The Board in a motion by Dr. Bloch, seconded by Dr. Samansky rescinded the Uniform Penalty Letter. Ms. Delaney was opposed.

Dr. Nona Nurse - Request to waive the \$500 penalty since she provided proof of the required continuing education which were completed within the required renewal period. The Board in a motion by Dr. Bloch, seconded by Dr. Samansky rescinded the Uniform Penalty Letter.

Dr. Arthur Levy - Request for waiver of the \$500 penalty. The Board had previously sustained the \$500 penalty because he only submitted 28 hours of continuing education. Dr. Levy located and submitted an additional 16 hours of continuing education courses that were completed within the required renewal period. He is requesting the Board to waive the penalty since he did provide proof of the entire forty (40) required hours. The Board in a motion by Mrs. Huber, seconded by Dr. Cappetta rescinded the Uniform Penalty Letter.

Dr. Vincent Margiotta - Request for waiver of the \$500 penalty. The Board had requested that he provide proof that he was in a post graduate program. Dr. Margiotta provided proof of the post graduate program which satisfies the continuing education requirements. He is requesting the Board to waive the penalty since he did provide adequate proof of the required hours. The Board in a motion by Dr. Rosenheck, seconded by Dr. Samansky rescinded the Uniform Penalty Letter.

Dr. Maurice Teitlebaum - He is appealing the Board's Uniform Penalty Letter. He is 80 years old and indicates that he became ill and his son also has a medical condition. He stated that he completed 38 credits and that he would have the additional 2 credits by the July 31st deadline. He later called and stated that he could not find proof of the 38 hours and that he is unable to get them. The Board in a motion by Ms. Delaney, seconded by Dr. Bloch sustained the Uniform Penalty Letter.

Dr. William Opderbeck - Dr. Rosenheck was recused. He had previously submitted 25 hours of continuing education plus he indicated that he was full time faculty. The Board requested that confirmation be obtained. A letter was received from UMDNJ confirming his full time faculty. The Board in a motion by Mrs. Huber, seconded by Ms. Delaney rescinded the Uniform Penalty Letter.

## **DEPUTY ATTORNEY GENERAL'S REPORT:**

Dr. John Carchman - Rhonda Pope-Stephens, DAG advised the Board that the Attorney General's office was seeking a temporary suspension of Dr. Carchman's license. The Order to Show Cause and Formal Complaint included two allegations of unsanitary conditions and prescribing CDS without a current registration. The Board in a motion by Dr. Bloch, seconded by Ms. Delaney voted to enter the Order to Show Cause. The hearing is scheduled for July 18, 2001.

Dr. Valerie Dounski - Report by Deputy Attorney General, Nancy Costello Miller. The Board had determined that Dr. Dounski must complete a continuing education program that must cover all areas of dental practice in order to qualify for a dental license. Dr. Dounski has been accepted by New York University College of Dentistry into a specially developed continuing education program designed to meet the Board's requirements. The Board will consider his application following completion of this program. The Board in a motion by Dr. Bloch, seconded by Dr. Samansky approved this program.

## **INCIDENT REPORTS:**

Dr. Jerome Silverstein (UMDNJ) - The Board took the incident report as informational.

## **OTHER MATTERS:**

**Charles L. Barison, D.D.S.** - The Board reviewed proof of completion of courses mandated by Consent Order. It appears that he does not meet the requirements set forth in the Board's Order. The file was referred to the continuing education committee for review.

Dr. Daniel Ripps - The Board reviewed a request for reinstatement of license which was revoked by the New Jersey Board May 17, 1995 for submitting false claims for services to the New York State Medical Assistance Program causing the programs to pay him for procedures and services that had not been provided. The Board requested that a reinstatement application be sent to him to obtain additional information to include:

- A statement detailing his work history and activities since 1995.
- Proof of continuing education.
- Letter of recommendation on his moral character.

Once received, the material will be reviewed and the Board will give the request further consideration.

Robert A. Frascella, D.D.S. - The Board reviewed a request for clarification on the use of "980-wavelength diode laser in the use of tooth whitening by a Dental Hygienist". The Board directed that Dr. Frascella be advised that a dental hygienist may not use a laser. A copy of the regulations is to be sent to him.

(Not on the Agenda) - The Board reviewed an E-Mail inquiry concerning the comparison between a Nd:YAG laser

versus scaling and root planning in periodontal therapy. The Board reiterated its position that a dental hygienist may not use a laser. The Board takes no position on the use of a laser for scaling and root planning at this time. Additional study is required.

AADE - Information concerning 118th Annual Meeting of the American Association of Dental Examiners, Kansas City, Missouri. Ms. Delaney, Dr. Bloch, Dr. Ricciani and Dr. Rich requested to attend this meeting. The Board approved the request.

## **APPEARANCES:**

11:00 A.M. - Mark Gelber, D.M.D. - Formal Hearing. Dr. Gelber appeared with counsel, Ms. Pamela Mandel. Deputy Attorney General Nancy Costello Miller appeared on behalf of the State of New Jersey. A certified shorthand reporter was available to take sworn testimony.

DAG Costello Miller presented stipulated facts and marked items into evidence. The Provisional Order of Discipline was filed for his failure to complete continuing education credits for the 1995-97 and 1997-99 renewals. The Order, if made final would suspend his license until such time as he submits proof of the required continuing education and pays a civil penalty in the amount of \$2,500.

Ms. Mandel requested that Dr. Gelber be permitted to take 17 hours of continuing education by October 31, 2001 and the remainder by December 31, 2001. She indicated that he previously paid a \$500 penalty for failure to complete the credits and that the \$2,500 penalty called for in the Provisional Order is punitive.

Dr. Gelber also addressed the Board indicating that he agrees to complete the required continuing education and that he made the mistake of relying on his office staff to keep track of the continuing education credits being submitted to the Board.

At the conclusion of all questioning, the hearing was ended.

The Board moved to Executive Session for deliberation.

The Board in a motion by Ms. Delaney, seconded by Dr. Bloch determined the following:

- \$2,500 penalty was sustained.
- The Board accepted fifty(50) of the continuing education credits submitted. Dr. Gelber will be required to submit proof of completion of the remainder 17 hours by November 1, 2001.
- Failure to submit the credits will result in automatic suspension.
- Dr. Gelber will be subject to continuing education audits for the next three years.

## **ADJOURNMENT:**

