

NEW JERSEY STATE BOARD OF DENTISTRY  
PUBLIC SESSION MINUTES  
NEWARK, NEW JERSEY  
AUGUST 3, 2016

NOTE: The Public Session was called to order by Vice President Richard D. Riva, DDS

ATTENDANCE: The following members were in attendance:  
Joseph Battaglia, DMD; Elizabeth Clemente, DDS; Peter Clemente,  
DMD; Nicholas C. DeRobertis, DMD; Steven Goldstein, DDS; Linda  
Hecker, RDH; Roger Kriete, DMD; Jonathan Mangot, DMD; Richard  
D. Riva, DDS

OTHER ATTENDEES: Deputy Attorneys General Miller and Gouling; Executive  
Director Jonathan Eisenmenger; Cecilia Moreira Senior  
Management Assistant

ABSENT/EXCUSED: Emil Cappetta, DMD; Beverly Kupiec, PhD, RN

**I. APPROVAL OF MINUTES:** July 6, 2016  
On a motion by Dr. Goldstein, seconded by Dr. DeRobertis, the Board approved the  
minutes as amended.

**II. COMMITTEE REPORTS:**

**A. Continuing Education:**

The committee recommended approval of thirty continuing education credits.

**III. PROPOSED REGULATION:**

1. Proposed Regulation:  
Limited Registered Dental Assistant in Orthodontics (LRDA-O).  
Dr. Peter Clemente is recused in this matter.

Regulatory Analyst Rachel Glasgow appeared to discuss the draft regulations with  
the Board.

On a motion by Ms. Hecker, seconded by Dr. DeRobertis, the Board voted to approve  
the amended draft for publication as a proposal. The vote of the Board was  
unanimous.

The Board also approved separating the scope of practice of the dental hygienists  
and registered dental assistants from the rest of the proposal, if required during the  
review process, so those portions could proceed separately.

2. Credit Towards Registration as a Limited Registered Dental Assistant in Orthodontics for Education, Training, and Experience Received While Serving as a Member of the Armed Forces

Regulatory Analyst Rachel Glasgow reported that no additional comments were received.

The Board in a motion by Dr. Goldstein, seconded by Dr. DeRobertis, moved for adoption of this matter. Ms. Hecker abstained.

**IV. ADOPTED REGULATION:**

1. Adopted regulation - Dental Hygienist Scope of Practice.  
They Board took this as informational.

**V. LEGISLATION:**

1. S-2464 - Adds one seat to the NJ State Board of Dentistry, reserved for a dental assistant.

The Board recommended amending the language to specify that the individual holds and active registration in dental assisting issued by the Board, in good standing.

**VI. ELECTIONS FOR PRESIDENT AND VICE-PRESIDENT OF THE BOARD:**

President

Dr. DeRobertis had four votes

Dr. Riva had five votes

On a motion by Dr. E. Clemente, seconded by Dr. Kriete, the Board determined to have Dr. Riva serve as president from September 2016 through February 2017, and Dr. DeRobertis serve as president from March 2017 through August 2017. The vote of the Board was unanimous.

Vice-President

Dr. Kriete was elected vice-president of the Board by unanimous consent.

**VII. PROPOSED MEETING DATES FOR 2017:**

The following are the Board of Dentistry meeting dates for 2017:

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

**VIII. ADMINISTRATIVE COMPLAINT AND ANSWER:**

1. Dr. Ahmad Sedehi - Formal Complaint was filed on April 21, 2016 and the Answer was filed on July 21, 2016.  
The Board determined this to be a contested case, in a motion by Dr. E. Clemente, seconded by Dr. Goldstein, voted to forward the matter to the Office of Administrative Law for a hearing.

**IX. REQUEST FOR LICENSURE REINSTATEMENT FOLLOWING SUSPENSION:**

1. Dr. Paresh Patel - The Board reviewed a request for reinstatement of license following Consent Order on April 6, 2011. Dr. Battaglia is recused in this matter, as he served as the Board expert on the initial matter.  
This matter was moved to Executive Session for deliberation.  
The Board returned to Public Session and determined that additional information be obtained.

**X. REQUEST FOR MODIFICATION TO THE BOARD'S ORDER:**

1. Dr. Jack Martin Gelb - The Board reviewed a requested from Dr. Gelb for modification to the Board's Consent Order Reinstating License with Restrictions filed on May 4, 2016.  
This matter was moved to Executive Session for deliberation.  
The Board returned to Public Session and determined that additional information be obtained.

**XI. REQUEST FOLLOWING BOARD SETTLEMENT LETTER:**

1. Jaime H. Tapia (Unlicensed) - The Board reviewed correspondence from Mr. Tapia concerning financial hardship with regard to payment of the penalty assessed by the Board on February 19, 2014 for unlicensed practice of dentistry. Mr. Tapia has paid \$1,600 towards the \$5,000 penalty. The Board in a motion by Dr. DeRobertis, seconded by Dr. Mangot, determined to stay the outstanding \$3,600 penalty for two years, pending his continued compliance with the cease and desist order.

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

1. Dr. Mark Khaimov - The Board referred this matter to executive session for deliberation. The Board returned to Public Session and determined that additional information be obtained.
2. Dr. Joel Efron - The Board took this as informational.

**XIII. ORDERS/SETTLEMENTS FILED WITH THE BOARD:**

The following Orders were taken as informational:

1. Dr. Kenneth B. Sloane - Settlement Letter filed July 5, 2016.
2. Dr. Todd Gottlieb - Settlement Letter filed on July 6, 2016.

3. Dr. Robert Karasek - Consent Order of Voluntary Surrender of Licensure filed on July 6, 2016.
4. Dr. John Vecchione - Interim Consent Order filed on July 7, 2016.

**XIV. HAND-OUT:**

1. Dr. Mitchell Stave - The Board reviewed a proposed monitoring plan from Affiliated Monitors in connection with the Board's Consent Order filed on August 20, 2015. The Board in a motion by Dr. Kriete, seconded by Dr. DeRobertis, approved the monitoring plan submitted.

**XV. ITEMS MOVED FROM EXECUTIVE SESSION:**

1. 113516 - Dr. Brian Bachrach - Report submitted pursuant to N.J.A.C. 13:30-8.8. Additional information received. The Board took this as informational.

**XVI. STANDING MOTIONS:**

The Board, in a motion by Dr. Battaglia, seconded by Dr. DeRobertis, voted to authorize the Board president to take action on investigative matters that arise between Board meetings; and to permit the Board president or a committee of the Board to take action on emergent matters, with such action being ratified or modified by the full Board at the next regularly scheduled meeting.

The Board, in a motion by Dr. Battaglia, seconded by Dr. DeRobertis, authorizes the Board president, upon failure of settlement negotiations, to transfer matters to the Office of the Attorney General, for initiation of formal disciplinary action, with notification to the full Board at its next regularly scheduled meeting.

The Board, in a motion by Dr. Battaglia, seconded by Dr. DeRobertis, authorizes staff to review and approve applications for licensure and registration except that applicants with criminal history, Data Bank reports, or other questions raised in review of applications, shall have their applications reviewed by the full Board.

- XVII. 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.