

**New Jersey State Board of Dentistry
Public Session Minutes
August 6, 2003
Board Office
Newark, New Jersey**

ATTENDANCE: The following members were in attendance:

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. Emil Cappetta; Mr. Louis Cardenas; Dr. Anthony Chibbaro

A. APPROVAL OF MINUTES:

June 18, 2003 - Approved as amended.

B. EXECUTIVE DIRECTOR'S REPORT:

1. Executive Director Kevin Earle advised the Board that former board member, Mr. Jerome Fien, had passed away. A collection will be taken and sent to the Jewish Historical Society of MetroWest in memory of Mr. Fien.

2. Executive Director Kevin Earle requested clarification of Board Regulations on continuing education for reinstatement and renewal of a New Jersey dental license. The Board determined the following:

- Any inactive, retired licensee, or any licensee who has had his or her license revoked or suspended who **has ceased** practicing dentistry in all states or jurisdiction must complete a minimum of 20 hours of continuing education for each year of inactive, retired, revoked or suspended licensure not to exceed a cumulative total of 80 hours. Forty of those credits must be obtained within two years of the date of the reinstatement application. In addition to these credits, a prorated number of credits consistent with N.J.A.C. 13:30-5.1(a)3 will also be required at renewal time for that biennial period, based upon the date of reinstatement.

- Any inactive, retired licensee, or any licensee who has had his or her license revoked or suspended who **has continued** the practice of dentistry in all states or jurisdiction other than New Jersey must complete a minimum of 20 hours of continuing education for each year of inactive, retired, revoked or suspended licensure not to exceed a cumulative total of 40 hours. Twenty of those credits must be obtained within two years of the date of the reinstatement application. In addition to these credits, a prorated number of credits consistent with N.J.A.C. 13:30-5.1(a)3 will also be required at renewal time for that biennial period, based upon the date of reinstatement..

- **Expired Licensees** - Must complete a minimum or 20 hours of continuing education for each year of expired status not to exceed a cumulative total of 80 hours. Forty of those credits must be obtained within two years of the date of the reinstatement application. In addition to these credits, a prorated number of credits consistent with N.J.A.C. 13:30-5.1(a)3 will also be required at renewal time for that biennial period, based upon the date of reinstatement.

- **Residency Programs** - Anyone completing an accredited one-year dental residency program or an approved advanced education program leading to specialty certification anytime within the biennial period is exempt from the continuing education credits for the succeeding biennial period.

- **New Licensees** - A new licensee licensed anytime within the current biennial period will have the continuing education credits prorated as outlined in the regulation booklet.

- **New Graduates** - An individual who graduates from dental school in the first year of the biennial period shall complete 20 credits of continuing education. An individual who graduates from dental school in the second year of the biennial period shall be exempt from continuing education for that biennial period.

The Board indicated that new graduates should be exempt from continuing education credits for the first renewal. However, Deputy Attorney General Nancy Costello Miller advised the Board that continuing education credits are a statutory requirement. DAG Costello Miller will research this matter.

3. Executive Director Kevin Earle advised the Board that dental renewal forms will be sent out shortly.

4. Executive Director Kevin Earle discussed new procedures for criminal history background checks for new licensees which are mandated by law effective in November.

C. COMMITTEE REPORTS:

1. Pending Applications:

a. **Dr. Michael Gelbart** - The Board reviewed additional information requested following his appearance before the Board concerning a pending application for a New Jersey Dental license. The Board in a motion by Mrs. Huber, seconded by Ms. Delaney, moved this matter to Executive Session for deliberation.

The Board in a motion by Ms. Delaney, seconded by Dr. Rich, approved this application.

b. Executive Director Kevin Earle communicated the committee's recommendations on pending dental applications. The committee recommends approval of the following applicants:

- Dr. Roy Sonkin
- Dr. Ane Phillips Mathew
- Dr. Pearl Lieberman

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

D. 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.

E. ELECTIONS:

Elections for President and Vice-President of the Board.

Dr. John Ricciani was elected as President

Dr. Arnold Rosenheck was elected as Vice-President.

F. REQUEST FOR REINSTATEMENT OF REVOKED LICENSE:

1. **Dr. Harry Insabella** -The Board reviewed Dr. Insabella's request for reinstatement of the New Jersey dental license which was revoked on July 17, 1998. Dr. Insabella pled guilty to two counts of an indictment, conspiracy to commit robbery and receiving stolen property, and pled guilty to an accusation of perjury. The Board in a motion by Dr. Rich, seconded by Dr. Hall, moved to Executive Session for deliberation.

After considering the facts presented a motion was made by Dr. Placa, seconded by Dr. Hall, denying reinstatement of Dr. Insabella's New Jersey license. This motion did not pass.

The Board tabled decision in this matter to the next meeting.

G. REQUEST FOR REMOVAL OF DISCIPLINARY ACTION FROM HIS RECORD:

1. **Dr. Dwight E. Garcia** - The Board reviewed Dr. Garcia's request for expungement of the disciplinary action taken by the Board. The Board determined that Dr. Garcia be advised that the Board cannot legally expunge records. Dr. Garcia has not convinced the Board that his record is inaccurate or that the facts cannot be explained to potential employees. The Board does, however, agree with Dr. Garcia that the wording on the Division of Consumer Affairs website which indicates "pending" complaints is confusing and will work with the Division in an attempt to change the wording.

H. REQUEST FOR CLARIFICATION OF REQUIREMENTS SET FORTH IN THE BOARD'S ORDER:

1. **Dr. Donald Dobrowolski** - The Board reviewed a request for clarification from Raymond F. Hanbury, Jr., Ph.D., of the requirements set forth in the Board's Order concerning Dr. Dobrowolski with regard to the specimen testing. The Board approved Dr. Hanbury's request.

I. REQUEST FOR WAIVER OF THE CONTINUING EDUCATION CREDITS DUE TO A MEDICAL CONDITION:

1. **Dr. Emil F. Kaminski, Jr.** - The Board reviewed Dr. Kaminski's request for waiver of the continuing education credits due to a medical condition. The Board in a motion by Dr. Placa, seconded by Ms. Delaney moved this matter to Executive Session due to personal information.

The Board determined that Dr. Kaminski be requested to place his license on inactive status and that he submit to a medical evaluation prior to reinstatement.

2. **Dr. Heena Pandya** - The Board reviewed Dr. Pandya's request for waiver or extension of the continuing education credits due to pregnancy complications. She did not practice dentistry from November 2001 to May 2003. The Board in a motion by Ms. Delaney, seconded by Mrs. Huber, approved an extension to complete the continuing education credits until January 31, 2004.

J. INCIDENT REPORTS:

The Board reviewed incident reports submitted by the following:

1. Dr. John F. Ricciani (UMDNJ)
2. Dr. Michael R. Glogoff

The Board took these reports are informational.

K. OTHER MATTERS:

1. The Board reviewed a letter from Dr. Philip J. Pistolas questioning whether hygienist can use "KaVo DIAGNOdent" as a screening tool during cleaning procedures. The Board determined that it appears this tool is a laser device and a diagnostic tool which are not within the scope of a dental hygienist.
2. **AADE** - The Board reviewed information concerning "Medical and Dental Postgraduate Trainees and the National Practitioner Data Bank." The AADE is requesting that comments concerning this issue be submitted by August 15th. The Board determined that no comment will be submitted.
3. The Board reviewed an inquiry from J. Anthony Manger, Esq., concerning "proposed business; applicability of statutes and regulations concerning the practice of dentistry". The proposed business will offer, via the internet, a fee-based subscription service wherein individual subscribers will be provided access to a database of licensees who will agree to provide services on a discounted basis. The Board expressed concern with the fact that patients would have to pay in order to obtain the names of dentist on the list. The Board questioned whether a refund is made to the patients if they decide that they don't want to participate. The Board requested that additional information be obtained from Mr. Manger.
4. The Board reviewed an inquiry from Dr. Thomas A. Bissell questioning whether it is permissible for a dentist to provide local anesthesia for the purpose of facilitating non-dental related cosmetic procedures. After discussing this matter, the Board determined that lip tattooing is not within the practice of dentistry. A dentist would not be permitted to provide local anesthesia for this purpose.

ADJOURNMENT: