



## **New Jersey State Board of Dentistry Public Session Minutes**

BOARD OFFICE

NEWARK, NEW JERSEY

AUGUST 7, 2002

### **ATTENDANCE:**

The following members of the Board were in attendance:

Dr. Valentine Bloch; Dr. Emil Cappetta; Mr. Louis Cardenas; Dr. Anthony Chibbaro; Patricia Delaney, RDH; Mrs. Helen Huber; Dr. John Ricciani; Dr. Barbara Rich; Dr. Abraham Samansky.

### **ADDITIONAL ATTENDEES WERE:**

Nancy Costello Miller, Deputy Attorney General; Michelle Albertson, Deputy Attorney General; Kevin B. Earle, Executive Director and Cecilia Moreira, Management Assistant.

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

Dr. William Orlacchio; Dr. Arnold Rosenheck

### **APPROVAL OF MINUTES:**

June 19, 2002 - Approved as amended

July 10, 2002 - Approved as amended

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

1. **Irwin Feit, D.D.S.** - Executive Director Kevin Earle informed the Board that he was contacted by Dr. Feit requesting reinstatement of his license. Dr. Feit's son, Dr. David Feit suddenly passed away and he wants to cover the office until other arrangements can be made. After discussing this matter the Board in a motion by Ms. Delaney, seconded by Dr. Rich determined that it will permit immediate reinstatement of Dr. Feit's license to practice dentistry in the State of New Jersey on the condition that he voluntarily agree to complete at least eighty hours of continuing education within the next six months. He is to complete an average of 14 hours per month. Twenty of those hours may be completed in home study courses.
2. **Dr. John McIntyre** - Executive Director Kevin Earle reported on the status of Dr. McIntyre's practice and records. Mr. Earle is developing a list of all Dr. McIntyre's patients in order to inform them that their records are available to be sent to their new treating orthodontist.
3. **Dr. John P. Leonard** - Executive Director Kevin Earle advised the Board that he received information from the Physician's Health Program that Dr. Leonard self-reported a relapse and was admitted to an inpatient program. The Board determined that an Interim Consent Order be filed for the suspension of the license.

### **COMMITTEE REPORTS:**

## **Dental Auxiliaries:**

1. **Susan Nevoso** - The Board discussed her request for reinstatement of her dental hygiene license which expired in 1974. She indicated that she hasn't worked in twenty years. After discussing this matter, the Board determined that Ms. Nevoso must take a refresher course and successfully pass N.E.R.B.
2. **Shelly Lepone** - The committee discussed this application for a dental hygiene license by credentials. The committee recommended approval. The Board approved this application.
3. **Rose Pawluk** - The committee discussed this application for a dental hygiene license by N.E.R.B. past five years. The committee recommended approval. The Board approved this application.
4. **Amy Walkiewicz** - The committee discussed this application for a dental hygiene license by credentials. The committee recommended that it be determined whether she took NERB. Her application also qualifies by credentials.

## **Registered Dental Assistant Applications:**

The committee moved the following applications to Executive Session for discussion:

- Loreale LaChappele
- Christina Brutofsky
- Jane Havet

The Board returned to Public Session and determined the following:

1. **Loreale LaChappele** - Application for Registered Dental Assistant is approved pending receipt of employment verification on the dentist's letterhead.
2. **Christina Brutofsky** - This applicant disclosed three arrests since 1990. The Board determined that she be scheduled to appear at an Investigative Inquiry. Ms. Delaney will lead the questioning.
3. **Jane Havet** - The Board approved this application for a Registered Dental Assistant registration.

## **Continuing Education:**

1. The Board in a motion by Ms. Delaney, seconded by Mrs. Huber approved the committee's recommendations.

## **Regulatory Committee Report:**

1. The regulatory committee report was tabled to the next meeting.

## **ELECTIONS:**

### **Elections for President and Vice-President of the Board.**

Dr. Orlacchio was elected as President of the Board.  
Dr. Ricciani was elected as Vice-President of the Board.

NOTE: Members of the Board thanked Dr. Cappetta for his leadership during the past year.

## **PROPOSED REGULATION:**

The Board was advised that its proposed amendment: N.J.A.C. 13:30-8.2 - Parenteral Conscious Sedation was published in the New Jersey Register for a 60 day comment period. Comments will be reviewed at the Board's October 2nd meeting.

## **INCIDENT REPORTS:**

1. **Alan N. Levine, D.D.S.** - The Board reviewed an incident report submitted by Dr. Levine. The Board took this as informational.

## **RESPONSES TO UNIFORM PENALTY LETTERS:**

The Board discussed the Uniform Penalty Letters assessing penalties by the Board that appear as disciplinary action on the internet. The Board requested that Mr. Earle look into the possibility of having a statement developed by the Division for all Boards to clarify the penalties issued for continuing education and advertising.

The Board discussed the issue of Uniform Penalty Letters for advertising violations.

The Board determined that in the future the Board will consider issuing Letters of Admonishment for advertising violations first time offenders on a case by case basis.

1. **Dr. David E. Hochstein** - The Board reviewed Dr. Hochstein's response to the Board's Uniform Penalty Letter assessing a \$250 penalty for advertising "free cleaning" without indicating the regular fee. After discussing this matter, the Board determined to rescind the penalty and will issue a Letter of Admonishment.

2. **Dr. Scott D. Ganz** - The Board reviewed Dr. Ganz' response to the Board's Uniform Penalty Letter assessing a \$250 penalty for failure to include the name in the advertisement. After discussing this matter, the Board determined to rescind the penalty and will issue a Letter of Admonishment.

3. **Dr. Albert Kurpis** - The Board reviewed Dr. Kurpis' response to the Board's Uniform Penalty Letter assessing a \$250 penalty for advertising "cosmetic dentistry specializing in porcelain veneers" which is not a recognized specialty. After discussing this matter, the Board determined to rescind the penalty and will issue a Letter of Admonishment.

The Board also requested that a copy of the Board's regulations be sent to the magazine "Who What Where" based on information that the magazine had altered ads without dentist's knowledge.

4. **Dr. Jerry M. Strauss** - The Board reviewed Dr. Strauss' response to the Board's Uniform Penalty Letter assessing a \$500 penalty for advertising "cosmetic experts" which is not a recognized specialty and for failure to include the name in the advertisement. The Board moved this matter to Executive Session for deliberation.

The Board returned to Public Session and determined to rescind the Uniform Penalty Letter and issue a Letter of Admonishment.

5. **Dr. David M. Fiorello** - The Board reviewed a request that the Board remove the advertising violation from the internet as a disciplinary action. In April 2001 Dr. Fiorello paid a \$250 penalty for offering an "across the board" discount without listing the normal fees. After discussing this matter the Board directed that he be advised that the Board shares his concern and will look into adding a disclaimer that will clarify when the disciplinary action is for an advertising violation.

6. **Dr. Amer M. Azizogli** - The Board reviewed Dr. Azizogli's response to the Board's Uniform Penalty Letter assessing a \$500 penalty for failure to include his name in the advertisement and for offering a discount for teeth whitening without listing the usual fee. After discussing this matter, the Board determined to rescind the penalty and will issue a Letter of Admonishment.

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

1. **Dr. Philip Schragar** - The Board discussed Deputy Attorney General Douglas Harper's Motion for Attorney's Fees and Motion for a Stay of the Entry of the Board's Order Pending Appeal to the Appellate Division from Edward C. Bertucio, Jr. Esq. The Board moved to Executive Session for deliberation.

The Board returned to Public Session and in a motion by Dr. Bloch, seconded by Ms. Delaney determined to grant the motion for attorney's fees and costs. The motion for a stay pending appeal was denied.

2. **Dr. John J. Carchman** - The Board reviewed Deputy Attorney General Hakima Bey-Lawson's Notice of Motion to Amend the Complaint and for Summary Decision; a proposed Second Amended Verified Complaint; Appendix to the Verified Complaint and a Letter Brief. This matter was moved to Executive Session for deliberation.

The Board returned to Public Session and determined to grant the motion to amend the complaint, but has deferred consideration of the Motion for Partial Summary Decision until its regularly scheduled meeting on September 18, 2002. Dr. Carchman will have until September 3, 2002 to submit legal arguments or with regard to the motions, any certifications which he wishes the Board to consider. Deputy Attorney General, Hakima Bey-Lawson will have until September 10, 2002 to submit any responsive papers.

### **REQUEST FOR REINSTATEMENT OF LICENSE:**

1. **Dr. Harry Insabella** - The Board reviewed an Application for Reinstatement of Dr. Insabella's license to practice dentistry in the State of New Jersey. This matter was moved to Executive Session for deliberation.

The Board returned to Public Session and determined that the information submitted did not persuade the Board to consider reinstatement. Dr. Insabella did not submit sufficient proof of rehabilitation considering the seriousness of the crime. The application for reinstatement was denied.

2. **Dr. Michael Honrychs** - The Board reviewed a request for reinstatement of the license to practice dentistry in the State of New Jersey. The Board determined that Dr. Honrychs be scheduled for an appearance.

### **REQUEST FOR MODIFICATION OF THE CONSENT ORDER:**

1. **Dr. Donald Pavlick, Jr.** - The Board reviewed a request for modification of the terms of the Consent Order entered in June 2001. The Board also reviewed a letter from Dr. Pavlick's treating psychiatrist. This matter was moved to Executive Session for deliberation.

The Board returned to Public Session and determined that an updated report be obtained from Dr. Keene, Chemical Dependency Program. An evaluation by Dr. Fernandez is to be conducted followed by an appearance before the Board.

### **REQUEST FOR RECONSIDERATION OF THE UNIFORM PENALTY LETTER:**

1. **Dr. Jay Gladstone** - The Board reviewed a request that the disciplinary action concerning Dr. Saul Gladstone(deceased) be removed from the Board's records. The Board had previously issued Dr. Saul Gladstone, a year before his death, a Uniform Penalty Letter for failure to complete the continuing education credits. Dr. Gladstone did not complete the CE because of his serious medical condition. After discussing this matter, the Board in a motion by Ms. Delaney seconded by Mrs. Huber voted to rescind the Uniform Penalty Letter due to the circumstances involved.

### **RESPONSE TO A PROVISIONAL ORDER OF DISCIPLINE:**

1. **Dr. Gordon R. Barnes** - The Board reviewed Dr. Barnes' response to the Board's Provisional Order of Discipline. This matter was moved to Executive Session. This matter was tabled to the next meeting.

### **DISCIPLINARY ACTIONS:**

**Dr. Andrew Goldstein      DI 18879**

Settlement letter filed on January 3, 2002 for the failure to meet an appropriate standard of care for treatment of a

patient. Restitution in the amount of \$3,400, fourteen hours of continuing education in hands on crown and bridge to include oral diagnosis and seven hours in periodontics.

**Dr. Jaime Morales DI 13533**

Settlement letter filed on April 2, 2002 for treatment provided to a patient that was undertaken with insufficient diagnostic information. No x-rays were taken before commencing irreversible treatment and treatment records did not meet the minimum standards. Complete fourteen hours of continuing education in oral diagnosis and treatment planning and seven hours in record keeping. Civil penalty in the amount of \$2,500 for multiple acts of negligence and a civil penalty of an additional \$1,500 for recording keeping for a total amount of penalties in the amount of \$4,000. Costs in the amount of \$285.66.

**Dr. Ira S. Port DI 11460 and Dr. Alan Cohn DI 11468**

Settlement letter filed on April 9, 2002 for permitting a Registered Dental Hygienist to perform bleaching procedures in contravention of the Board's regulations defining the scope of practice. Civil penalty in the amount of \$2,500.

**Dr. Henry Salama DI 13301**

Settlement letter filed on April 17, 2002 for patient records that were seriously deficient from the minimum standards. Reprimand, civil penalty in the amount of \$2,500, cost in the amount of \$211.50 and an agreement to comply with all requirements for patient record keeping in the future.

**Karen Spyrton-Marker, R.D.A. DP 002342**

Final Order of Discipline filed on April 22, 2002. Convicted of the crime of theft by deception. ORDERED: Registration to practice as a Dental Assistant suspended for one year, the first forty-five days to be severed as an active suspension effective May 15, 2002 and the remainder to be stayed and served as a period of probation. Prior to resuming active practice the respondent is required to appear before the Board to demonstrate her fitness.

**Donald Dobrowolski, D.M.D. DI 13038**

Consent Order of Voluntary Surrender of Licensure filed on May 28, 2002. ORDERED: Surrender license to practice dentistry for an indefinite period. Return original New Jersey license, current biennial registration, and his current CDS registration. Comply to the directives for dentists whose surrender of licensure has been accepted by the Board. Independent evaluation at his expense by a Board approved psychiatrist or psychologist. Urine monitoring not less than two time per week approved by the Board until further order of the Board. Continue in counseling at his own expense and provide the Board with a report relating to a relapse and the prognosis for recovery. Shall attend support groups, including NA or AA not less than four times per week and shall provide evidence of attendance. Shall not possess any controlled dangerous substances except pursuant to bona fide prescription written for good medical cause. Shall provide any and all releases to any and all parties who are participating in the monitoring , treating or other program as outlined in this order. Prior to restoration of his license respondent shall appear before the Board to discuss his readiness to return to the practice of Dentistry. Provide the Board with reports from each and every mental health professional. Provide the Board with a report from the New Jersey Dental Association Chemical Dependency Program or the Physicians Health Program.

**Dr. Frederick W. DeNike DI 13380**

Settlement letter filed on May 8, 2002, deficient technique used for the fabrication of a denture did not meet the standard of care in record keeping. Compete twenty-one hours in continuing education to include seven hours of diagnosis and treatment planning; seven hours in the fabrication of immediate dentures; and seven hours of crown and bridge. Restitution in the amount of \$4,848.00; civil penalty in the amount of \$1,500 which includes a \$500 penalty for record keeping, \$500 for standard of care, and \$500 for failing to meet repeated acts of negligence.

**Edward D.Sledge, D.M.D. DI 12318**

Consent Order filed on June 4, 2002. The Physicians Health Program reported three confirmed positive urine screens indicating the presence of marijuana. ORDERED: Submit to urine samples two times per week at a laboratory designated by the Board; obtain counseling not less than once a week; attend support groups not less than four times per week; shall not possess any controlled dangerous substance except by bona fide prescription; arrange for a licensed dentist to monitor respondent's practice of dentistry.

**Dr. Robert Puleo DI 14966**

Settlement letter filed on June 14, 2002 for treatment that did not meet the appropriate standard of care; assessed a \$500 penalty for the failure to maintain adequate records; ordered to pay restitution in the amount of \$1,535 and complete a total of fourteen hours in continuing education consisting of seven hours in endodontics and seven hours in fixed prosthetics.

**Ira Eisenstein, D.M.D. DI 11150**

Order removing restrictions from the Consent Order dated July 11, 2001 filed on June 18, 2002. ORDERED: All restrictions on respondent's license and the requirements to continue in treatment to submit reports from treating health care professionals are vacated.

**Marc Weber, D.M.D. DI 18794**

Settlement letter filed on July 11, 2002 for failing to maintain appropriate radiographs in a patient record. \$500 penalty.

**OTHER MATTERS:**

1. **Susan Callahan Barnard, RDH** - The Board reviewed a request for nomination as a consultant to NERB. The Board noted that the nominations have already been sent to NERB. She may want to apply for consideration next year.

**NOT ON THE AGENDA:**

1. Paul Bent from the Dental Hygiene Association was present at the meeting and commented to the Board that a situation has been brought to his attention relating to dental hygiene licenses and the wrong dates appear on the licenses. The Board requested that he contact the Board office with specifics.

**SECRETARY'S LIST:**

1. The Board approved the list of applicants for licensure.

**APPEARANCES:**

1. 1:00 P.M.- Dr. Donald Dobrowolski - Dr. Dobrowolski appeared concerning request for reinstatement of license. Psychologist Dr. Raymond Hanbury was also present. A psychiatric report from Carol A. Dobrzynski, M.D. was provided for Board's review.

At the conclusion of all questioning the inquiry was ended.

After discussing this matter the Board in a motion by Ms. Delaney, seconded by Dr. Bloch determined the following:

- Dr. Dobrowolski may return to practice starting September 1, 2002 limited to 16 to 20 hours per week.
- Must have a monitor in place. The monitor can be an RDA or RDH
- Urine monitoring twice per week.
- Continued therapy with psychiatrist
- Attendance at AA, minimum of seven times per week
- Quarterly reports from Dr. Hanbury
- Triplicate prescriptions
- Must notify Board of any change in medication
- Must send in proof of continuing education courses taken.

**MOVED FROM EXECUTIVE SESSION:**

THE FOLLOWING LICENSEES INDICATED THAT THE REQUIRED CONTINUING EDUCATION WAS NOT COMPLETED FOR LICENSURE RENEWAL:

1. **Dr. Eugene Bernstein** - Dr. Bernstein indicated that he did not complete the continuing education due to lack of time. Dr. Bernstein was initially licensed January 28, 2000. He needed forty hours to renew. The Board determined that a Uniform Penalty Letter be issued assessing a \$500 penalty for failure to complete the continuing education credits for licensure renewal. The remainder of the courses must be taken by 12-31-02.

2. **Dr. Olga Mishilevski** - Dr. Mishilevski indicated that she did not complete the required hours of continuing education. Dr. Mishilevski was initially licensed January 28, 2000. She needed forty hours to renew. The Board determined that a Uniform Penalty Letter be issued assessing a \$500 penalty for failure to complete the continuing education credits for licensure renewal. The remainder of the courses must be taken by 12-31-02.

3. **Dr. Gennadiy Benyaminov** - Dr. Benyaminov indicated that he did not complete the required hours of continuing education due to his wife's illness and lack of time. He was initially licensed on December 20, 1999. The Board determined that a Uniform Penalty Letter be issued assessing a \$500 penalty for failure to complete the continuing education credits for licensure renewal. The remainder of the courses must be taken by 12-31-02.

4. **Dr. Elvira A. Dela Torre** - Dr. Dela Torre indicates that she failed to complete the required continuing education because he was focusing on paying her educational loans. Recently she did take some courses. The Board determined that a Uniform Penalty Letter be issued assessing a \$500 penalty for failure to complete the continuing education credits for licensure renewal. The remainder of the courses must be taken by 12-31-02.

5. **Dr. Thomas F. Hafner** - Dr. Hafner has been unable to take the required continuing education because he is semi-retired and has been battling a thyroid problem. Practices only 20 hours per week. After discussing this matter the Board determined that the medical problem should not impede his ability to take continuing education. Therefore, a Uniform Penalty Letter be issued assessing a \$500 penalty for failure to complete the continuing education credits. The remainder of the courses must be taken by 12-31-02.

6. **Dr. Felipa M. Henderson** - Dr. Henderson completed the courses from October 2000 to December 2001. Twelve hours out of the forty were completed after the October 31, 2001 deadline. The Board determined that a Uniform Penalty Letter be issued assessing a \$500 penalty.

7. **Dr. Michael Kane** - Dr. Kane indicated that he "forgot" to complete the continuing education credits. He completed ten credits to date and is registered to complete the remainder. After discussing this matter the Board determined that a Uniform Penalty Letter be issued assessing a \$500 penalty for failure to complete the continuing education credits. The remainder of the courses must be taken by 12-31-02.

8. **Dr. Yan Ma** - Dr. Ma was initially licensed in September of 2000. He was not aware that he needed credits to renew in October 2001. Dr. Ma had to complete 25 hours of continuing education. After discussing this matter the Board determined that a Uniform Penalty Letter be issued assessing a \$500 penalty for failure to complete the continuing education credits. The 25 hours must be completed by 12-31-02.

9. **Dr. Jose Pagan** - Dr. Pagan indicates that he completed a residency in 1999 and did not start practicing until April 2000. Dr. Pagan was initially licensed in March of 2000. He indicates that he had financial problems and thought the residency could be applied. After discussing this matter the Board determined that a Uniform Penalty Letter be issued assessing a \$500 penalty for failure to complete the continuing education credits. The courses must be taken by 12-31-02.

10. **Dr. Julius A. Rapone** - Dr. Rapone indicated that he is practicing part-time less than 14 hours a week. He did not complete the forty hours. After discussing this matter the Board determined that a Uniform Penalty Letter be issued assessing a \$500 penalty for failure to complete the continuing education credits. The courses must be taken by 12-31-02.

11. **Dr. Richard A. Fong Soto** - Dr. Fong Soto was initially licensed in January 2001. He needed 20 hours of continuing education credit to renew. He did not complete the required hours. After discussing this matter the Board determined that a Uniform Penalty Letter be issued assessing a \$500 penalty for failure to complete the continuing

education credits. The courses must be taken by 12-31-02.

12. **Dr. Daniel E. Wank** - Dr. Wank indicated that he was confused between New York and New Jersey requirements. After discussing this matter the Board determined that a Uniform Penalty Letter be issued assessing a \$500 penalty for failure to complete the continuing education credits. The courses must be taken by 12-31-02.

**ADJOURNMENT:**

[New Jersey State Board of Dentistry](#)

[Medical and Mental Health Related Professional Boards](#)

[Feedback Survey](#)

[Consumer Affairs Home Page](#)

[NJ Dept. of Law and Public Safety Home Page](#)

[State of NJ Home Page](#)

*Posted October 2002*