

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE
NEWARK, NEW JERSEY

August 10, 2011

NOTE: The Public Session Agenda convened at 10:00 A.M.

ATTENDANCE: The following members were in attendance:
Mr. Steven Brisgel; Emil Cappetta, DMD; Lydia David, DMD; Sheila Dashkow, DMD; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Arnold Rosenheck, DMD

ABSENT AND/OR EXCUSED: Shirley Birenz, RDH; Maxine Feinberg, DDS; Alexander Hall, DMD; Beverly Kupiec, RN, Ph.D.; Mr. Jerome Fernandez

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

NOTE: The Board started in committee for lack of a quorum. Upon Dr. David's arrival at 10:25 A.M. the committee recommendations were approved.

I. APPROVAL OF MINUTES: July 20, 2011 - The Board in a motion by Dr. Rosenheck, seconded by Mr. Brisgel, approved the minutes as amended.

II. COMMITTEE REPORTS:

1. Credentials:

Prospero Matos, D.D.S. - Application for a New Jersey dental license. Dr. Matos disclosed on his application that his first attempt to complete National Dental Board Examination Part 1 was voided by the Joint Commission for breaching the confidentiality of the exam. This matter was moved to Executive Session for deliberation.

The Board approved this application with a public letter reminding Dr. Matos that he is expected to use the highest ethical standards while in practice.

Jean McGill, DDS - Inquiry concerning requirements for licensure reinstatement. Her New Jersey license expired in 1999, but she has been working in Pennsylvania. The Board determined that she would have to pay the current licensure fee of \$390 plus the \$200 reinstatement fee.

Sandra Kupferman, DMD - Application for reinstatement of license. This matter was discussed by the Board on July 6, 2011 and it was determined that she must take the DSCE part of NERB prior to reinstatement and pay the fees as required by law. Request to reduce or waive the fees for reinstatement of her license. After further review of this matter the Board determined to waive the DSCE for this particular applicant but indicated that she must pay all back fees.

Amy Kim, DDS - Application for a dental license by credentials. Dr. Kim took the CRDTS exam in 2003 and worked in New York City since 2005. The Board approved this application.

Jennifer Guidry, DDS - Application for a dental license by credentials. Dr. Guidry took the Louisiana Exam and practiced in Louisiana for 5 years. The Board approved this application.

Shweta Vora, DDS - The Board reviewed an inquiry from Dr. Vora. She took the WREB and a five year residency and is questioning whether she would qualify for a dental license. The Board noted that it is possible, if she applies and provides all of the necessary materials.

Lillilan Maja, RDH - Application for dental hygiene license. Ms. Maja took the Canada Exam. This matter was tabled for review at the next meeting.

Sandra Pacheco, RDA - Application for a registered dental assistant. Ms. Pacheco failed the Expanded Functions test and requests that the board approve her if she completes only the refresher program. The Board denied this request indicating that while she may take the refresher course, she must take and pass the exam.

2. Continuing Education:

The Board approved the continuing education committee's recommendations on remedial education.

III. ELECTIONS FOR PRESIDENT AND VICE-PRESIDENT OF THE BOARD:

The following nominations were made at the July 6, 2011 meeting:

Dr. Peter DeSciscio - Vice President

Dr. Herbert Dolinsky - President

Nominations were closed.

The Board unanimously elected the individuals to these positions for the 2011-2012 year.

IV. RESPONSE TO UNIFORM PENALTY LETTER:

1. Dr. David J. Matthews - The Board reviewed a response to the Board's penalty letter with regard to an advertising violation. Moved to executive session for deliberation. The Board determined to rescind the Uniform Penalty Letter.

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

1. Dr. Raul Figueroa - The Board determined that complete records and a narrative be obtained from Dr. Sasportas and Dr. Cheifitz.
2. Dr. Ean James - The Board took this as informational.
3. Dr. Ana Altarriba-Walsh - The Board determined that complete records and a narrative be obtained.
4. Dr. Yuan Hung - The Board took this as informational.
5. Dr. Leonard Wan - The Board took this as informational.

VI. INFORMATION REQUIRED BY BOARD ORDER:

1. Jeanne Gorman, RDH - Proof of completion of the ProBE course as required by Board Order. The Board took this as informational.
2. Dr. Helena Devaris - Inquiry in follow-up to requirements set forth in the Board's Order of Reinstatement. The Board moved this matter to executive session for deliberation. The Board directed counsel to contact her attorney to offer a resolution; and to remind Dr. Devaris the order provides for automatic suspension if she violates it.

VII. OTHER MATTERS:

1. Inquiry from Gina R. Dolan, Esq., asking whether a dentist licensed in another state could own a practice. The Board will advise that a dental practice must be owned by a licensed New Jersey dentist; the business entity may also include a closely allied health professional.
2. Inquiry from Glenn P. Prives, Esq., concerning the interpretation of the definition of “practicing dentistry”. The dental practice and equipment must be owned by dentists. Certain business structures are discussed in the dental practice act, and Mr. Prives will be referred to it. For example, having terms or conditions of a lease linked to usage of equipment or products would be problematic. DAG Miller will assist in drafting the response.

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3. Correspondence from CODA concerning state Board participation on accreditation site visits. The Board took this as informational.
4. Inquiry from Neil Hiltunen, DMD, President, New Hampshire Board of Dental Examiners concerning the Board’s opinion about testing candidates for the ability to place posterior amalgams. The Board noted that it is still important to include testing of amalgams. Dr. Dolinsky will draft a letter for board review.
5. Inquiry from Shawn Stewart, Investigator, Department of Banking and Insurance questioning whether dentists are allowed to advertise to the public that they charge a lower rate than what the insurance company is charged. The Board determined to refer him to the new regulation (13:30-6.2(m)(4)) that clarifies that you may not have two sets of fees. He would also need to list his regular fees.
6. Inquiry from Dr. Glenn MacFarlane questioning whether class II medical devices that are not invasive can be operated by a dentist and whether the facial laser machine could be operated by a dentist. The Board determined that Dr. MacFarlane should direct his inquiry directly to the Board, and provide more specific details about the medical devices and the uses of such devices.

VIII. ORDERS FILED WITH THE BOARD:

1. Dr. Lawrence Gardner - Consent Order of Voluntary Surrender of Licensure filed

on July 20, 2011. The Board took this as informational.

IX. HAND OUT:

1. Inquiry from Dr. Bruce G. Freund notifying the Board of the change in venue for his course on the administration of injectable pharmacologics. The board approved this modification.

X. PUBLIC COMMENT:

1. Inquiry from Dr. Giantomas questioning whether a dentist may draw blood in connection with dental treatment, and may a dental assistant draw blood?
The Board determined that a dentist may draw blood but the dental assistant may not, unless they are certified/licensed to do so by an appropriate authority.

XI. 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.