

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE  
NEWARK, NEW JERSEY

AUGUST 14, 2013

NOTE: The Public Session Agenda was called to order at 10:00 A.M.

ATTENDANCE: The following members were in attendance:  
Shirley Birenz, RDH; Emil Cappetta, DDS; Lydia David, DMD; Nicholas C. DeRobertis, DMD; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Roger M. Kriete, DMD; Richard D. Riva, DDS

OTHER ATTENDEES: Deputy Attorney General Oo; Cecilia Moreira, Senior Management Assistant

ABSENT AND/OR EXCUSED: Sheila Dashkow, DDS; Beverly Kupiec, RN, PhD

**I. APPROVAL OF MINUTES:** July 24, 2013 - Approved as amended.

**II. COMMITTEE REPORTS:**

A. Applications:

1. Marianella Natera - Dr. Feinberg was recused because of her affiliation with Dr. Craig Hirschberg, the head of the Department at UMDNJ. Application for Limited Teaching Certificate. The committee recommends approval of this application with a reminder that certificate holders are not permitted to work in the faculty practice.
2. Dental Clinic - Application from Boys and Girls Club of Newark Dental Center. The Board had previously reviewed this application and had requested that an inspection of the facility be conducted. After reviewing the inspection report, the committee recommends approval of this application. As noted in the Board's June 6, 2012 minutes "the dentists practicing at this facility should obtain a branch office permit. The fee for the branch will be waived for dentists providing pro-bono services at this dental clinic."
3. Dr. Raphael T. Schach - The Board reviewed an inquiry from Dr. Schach as to whether the Board would approve the Alabama exam for a dental license. The Board discussed whether the Alabama exam is comparable to NERB. He indicates he has been in active practice in Pennsylvania since 1999 and before that he was on active duty in the US Army for 21 years. In order to determine whether the exam is comparable, the Board requested that additional information be obtained concerning the written portion. The Board noted that if it is determined that the exam is not comparable, Dr. Schach will be allowed to take the DSCE part of NERB in order to qualify for a dental license.

4. Dr. Dev Patwa - The Board reviewed an inquiry from Dr. Patwa questioning whether he would be allowed to take the restorative part of NERB only, which he failed several years ago, in order to apply for a dental license in New Jersey. He indicates that following his graduation from dental school in 2007, he completed a one-year general residency program. He has been practicing in New York for the last five years. The Board indicated that Dr. Patwa must pass all parts of NERB. He must contact NERB to determine whether they will allow him to take only the restorative portion.
  5. Joseph Faber - The Board reviewed an inquiry from Mr. Faber questioning whether he can take the WREB instead of the NERB for licensure. He is a fourth year dental student. The WREB is offered at the school he is in but the NERB is four hundred miles away. The Board denied this request. In order to apply by credentials, the applicant must have practiced five years in another state immediately preceding the application. Therefore, he must take NERB approved exam in order to qualify for a license.
  6. Dr. Jenna Winokur - The Board reviewed an inquiry from Ms. Winokur questioning whether the Board will accept WREB exam without the five years of practice in one state requirement. Dr. Winokur graduated from dental school in 2012 and took the WREB. The Board denied this request. In order to apply by credentials, the applicant must have practiced five years in another state immediately preceding the application. Therefore, Dr. Winokur must take NERB approved exam in order to qualify for a license.
  7. Dr. Anthony Terra (Hand-out) - The Board reviewed a request from Dr. Terra requesting waiver of the continuing education credits required to reinstate his dental license which expired October 31, 2011. He is appealing to the Board because he is looking to help a friend with an urgent situation. The Board approved the reinstatement of Dr. Terra's license and granted a six month extension to complete the required continuing education credits. (He will need 80 credits - forty for the 2011-13 biennial period and forty for the 2013-15 biennial period.)
- B. Executive Director's Report - DANB/NJ Expanded Functions Examination.  
The Board reviewed a memorandum from Executive Director Jonathan Eisenmenger reporting on the committee's review and recommendations for changes to the DANB Expanded Functions Examination. The committee reviewed test items prepared by DANB for use in the New Jersey expanded functions exam. Because the test now encompasses additional subject content areas, the number of test items has been increased from 100 to 106. After evaluating and rating the questions, the psychometricians at DANB reported that the EBEL Standard Setting for the pass point should be around 72%. The current exam had a pass point of 75%. The committee recommends keeping the pass point at 75%, which would translate to answering 80 of the 106 questions correctly. The Board in a motion by Dr. Feinberg, seconded by Ms. Birenz, approved the committee recommendations.

The Board in a motion by Dr. Cappetta, seconded by Ms. Birenz, approved the committee reports.

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

#### President

Dr. Dashkow was elected President of the Board by acclamation.

#### Vice-President

Ms. Birenz was elected Vice-President of the Board.

The new elected positions will take affect at the next meeting, September 4, 2013.

### **IV. PROPOSED REGULATION:**

1. Draft of proposed changes to the following regulations:
  - SUBCHAPTER 1A. DENTAL HYGIENISTS:
    - 13:30-1A.1 Definitions
    - 13:30-1A.2 Application for licensure as dental hygienist
    - 13:30-1A.3 Scope of practice of licensed dental hygienist
  - SUBCHAPTER 2 DENTAL ASSISTANTS:
    - 13:30-2.1 Definitions
  - SUBCHAPTER 8 GENERAL PROVISIONS:
    - 13:30-8.25 Prohibited Acts
    - 13:30-8.26 Emergency Protocol

The Board reviewed the above proposed regulations and with minor changes, a motion was made by Dr. Feinberg, seconded by Dr. DeRobertis, to approve the proposal for publication.

### **V. LEGISLATION:**

1. S-2833 - Proposed legislation which increases penalties for improper prescribing of drugs.

During discussion of this matter the Board noted that the Board should have discretion on the penalties. The Board noted that it should better educate and assess the licensees on proper prescribing. Given the individualized assessment of patients and treatment, professional boards are in a better position to assess whether a licensees prescribing conduct is appropriate and whether standards of care have been violated.

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

1. Dr. Nicholas Breen - The Board reviewed a request from Dr. Breen for modification to the Board's Order. Specifically, he is requesting urine monitoring reduced to quarterly and restrictions removed regarding the necessity of supervision while practicing. The Board requested that the Professional Assistance Program provide a position statement concerning Dr. Breen's request.

2. Dr. Raymond Pacholec - The Board reviewed a request from Edward G. Reading, Ph.D., from the Professional Assistance Program, for termination of the Consent Order filed on October 20, 2010 and issuance of an unrestricted license. The Board approved this request. An Order Removing Restrictions will be filed.
3. Dr. Young Kim - The Board reviewed a request from Dr. Kim for modification to the Board Consent Order filed on July 25, 2012. The Board tabled this matter and requested that copies of the reports submitted by the “collaborative dentist” be made available to the Board for review.

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

1. Dr. John Butler - The Board took this as informational.
2. Dr. Omar D. Porras - The Board took this as informational.
3. Dr. Warren M. Torchinsky - The Board took this as informational.
4. Dr. Michael A. Steinle - The Board took this as informational.
5. Dr. Jonathan P. Mundth - Dr. Cappetta, Dr. Riva and Dr. Kriete were recused. The Board took this as informational.
6. Dr. Hani Braidy - The Board took this as informational.

**VIII. ORDERS/SETTLEMENT LETTERS FILED WITH THE BOARD:**

The Board took the following as informational:

1. Dr. Richard W. Eytel - Consent Order filed on July 24, 2013.
2. Dr. Gennaro Langella - Reinstatement of license effective June 19, 2013.
3. Dr. Richard J. Mercurio - Consent Order filed on August 6, 2013.

**IX. OTHER MATTERS:**

1. ADA CERP call for comments on Proposed New Oversight Agency. Dr. Feinberg was recused because of her affiliation with ADA. The Board took this as informational.

**X. 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.