

**NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
BOARD OFFICE
NEWARK, NEW JERSEY SEPTEMBER 2, 2009**

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

ATTENDANCE: The following members were in attendance:

Shirley Birenz, RDH; Steven Brisgel; Emil Cappetta, DDS; Sheila Dashkow, DMD; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Alexander Hall, DMD; John Riccianni, DMD

OTHER ATTENDEES: Deputy Attorneys General Nancy Miller(via telephone) and Swang Oo; Executive Director, Jonathan Eisenmenger; Michael Dominach, Paralegal; Cecilia Moreira, Senior Management Assistant

ABSENT AND/OR EXCUSED: Beverly Kupiec, RN, Ph.D.; Arnold Rosenheck, DMD

I. HANDOUT:

1. Dr. Shandy Treff - The Board reviewed her request to waive the requirement to re-take the Law and Jurisprudence Exam. The Board in a motion by Dr. Dolinsky, seconded by Dr. Hall, determined to waive this requirement in this instance. The motion did not carry. The vote was four in favor and four against.

A second motion was made by Dr. Feinberg, seconded by Dr. DeSciscio, to deny this request. The motion did not carry. The vote was six in favor and Dr. Dolinsky and Mr. Brisgel against, Dr. Riccianni abstained.

II.. APPROVAL OF MINUTES: August 5, 2009 - The Board in a motion by Dr. Hall, seconded by Mr. Brisgel, approved the minutes as amended.

III. EXECUTIVE DIRECTOR'S REPORT:

1. Discussion concerning Sunset Review of the Board's regulations. Committees will be set to review each section of the regulations.

2. The Board received 109 applications and issued 128 licenses/permits.

3. License renewal update.

4. Discussion on the continuing education credits for renewal of the Enteral Sedation Permit. The Board will break down the credits as follows:

- Permits from November 1, 2008 to the present will not require continuing education credits to renew the permit. Permits issued between November 2007 to November 2008 will require ten (10) credits to renew. All permits issued in 2006 through October 2007 are required to submit proof of twenty (20) credits.

- All licensees must demonstrate current certification for BLS or ACLS. IV. COMMITTEE REPORTS:

1. Credentials:

Dental Auxiliaries:

- Deanna Conte, RDA - Application for registered dental assistant. The committee recommends approval.

- Melissa DeMatteo, RDA - Application for registered dental assistant. The committee recommends

approval.

- Megan MacCormack, RDA - Application for registered dental assistant. Moved to Executive Session. The Board determined that additional information be obtained.
- Lauren Hart, RDH - Application for a dental hygiene license. The committee recommends approval.
- Jennifer Aponte, RDH - Application for a dental hygiene license. The committee requested that an explanation of the arrest/conviction be obtained.
- David Heravi, RDH - Application for a dental hygiene license. The committee recommends that he be schedule for an appearance.
- Christine Charles, RDH - Application for reinstatement of her dental hygiene license. She has not practiced clinically in over 5 years. She must take the refresher course and pass the NERB.

The Board in a motion by Ms. Birenz, seconded by Dr. Hall, approved the committee recommendations.

Dental:

- Dr. Roland Byron - Application for a New Jersey dental license. The committee recommends approval after completion of the Law & Jurisprudence exam.
- Dr. Steven Trager - Application for reinstatement of his New Jersey license. The Board committee recommends that Dr. Trager's license be re-activated limiting his practice to teaching. He needs to submit proof of the continuing education credits to activate his license.
- Dr. Nader Azizi - Application for a New Jersey dental license. Dr. Azizi took the California Board Exam. The committee recommends that he must take NERB or WREB to qualify for licensure.

NOTE: The Board will discuss issues of reciprocity/other state board exams during Sunset Review.

- Dr. Charles Carpenter - Application for a New Jersey dental license. The committee noted that he must submit an official transcript. The Board requested information regarding whether he uses Sargenti Paste or a Sargenti Procedure.
- Dr. Unnati Patel - Application for a New Jersey dental license. The committee recommends approval.
- Dr. Roya Safa - Application for a New Jersey dental license. It is unclear whether she passed NERB or CERTA. She must also provide employment history for the last 5 years.
- Dr. James Murphy - Application for reinstatement of his New Jersey dental license. Tabled for additional information.
- Dr. Michael Fiorenza - Application for Limited Professional Registration. The committee recommends approval.
- Dr. Tuhina Sen - Application for a New Jersey dental license. The committee recommends approval.
- Dr. Sofia Petrov - Application for a New Jersey dental license. Dr. Petrov has two data bank reports but did not provide details concerning these matters. She did not provide proof of a clinical exam. The committee recommends that additional information be obtained.

The Board, in a motion by Dr. DeSciscio, seconded by Dr. Hall, approved the committee's recommendations.

2. Continuing Education:

The committee reviewed 82 continuing education course applications. The committee recommends approval of the courses with the exception of seven courses.

1. Dental Studies Institute - Review of nitrous oxide course. The clinical portion of the course was moved to St. Joseph's Hospital, but the didactic portion is being held in Fairfield, which is not CODA approved. Board regulations require both sections to be taught by a hospital/university.

The Expanded Functions Short Course at Dental Studies Institute is approved as a continuing education course only.

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

Additional information requested:

1. Dr. Robert DeFalco - The Board took this as informational.

V. REQUEST FOR MODIFICATIONS TO THE BOARD'S ORDER:

1. Kevin P. Ward, D.D.S. - Request to remove remaining restrictions from his license This matter was moved to Executive Session.

2. Herrick Lai, D.D.S. - Request for reinstatement after a Summary Order of Suspension filed on July 1, 2009 for failing to renew his license. That order stated that upon application for reinstatement, Dr. Lai was to address the issue related to his failure to respond to a Uniform Penalty Letter for failure to complete continuing education credits for the renewal of his license in a previous renewal period. The Board noted that the courses Dr. Lai submitted do not address the deficiency identified in the 2006 Uniform Penalty Letter. The Board in a motion by Dr. Hall, seconded by Dr. Dashkow, determined that Dr. Lai has not satisfactorily addressed the issue regarding the deficient credits, and denies the request at this time.

3. Joseph Hannah, D.M.D. - Request for removal of restrictions placed on his license. This matter was moved to Executive Session.

4. Gennadiy Benyaminov, D.D.S. - Request for reinstatement after a Summary Order of Suspension filed on July 1, 2009 for an expired license. That order stated that upon application for reinstatement, Dr. Lai was to address the issue related to his failure to respond to a Uniform Penalty Letter for failure to complete continuing education credits for the renewal of his license in a previous renewal period. The Board in a motion by Dr. Hall, seconded by Dr. Dashkow, determined that the credits submitted by Dr. Benyaminov should be reviewed to confirm that he has satisfied the 2006 Uniform Penalty Letter. If so, his license can then be reinstated provided all requirements for reinstatement have been satisfied.

VI. PROVISIONAL ORDER OF DISCIPLINE TO BE FINALIZED

1. Sygal Harpaz, D.M.D. - The Board in a motion by Dr. Hall, seconded by Dr. Feinberg determined to finalize the Provisional Order as written.

2. Dr. Vyacheslav Yunatanov - The Board reviewed the filed Provisional Order of Discipline and the response submitted by Dr. Yunatanov. The Board moved this matter to Executive Session for deliberation. Upon return to Public Session, the Board voted to finalize the POD as written.

VII. ORDERS/SETTLEMENTS FILED BY THE BOARD IN THE MONTH OF JULY/AUGUST 2009

1. Alan A. Schwartz, D.M.D. - Interim Consent Order filed on August 5, 2009.

2. Robert Hwang, D.D.S. - Consent Order filed on July 30, 2009.

3. Lisa Holly Abis-Velasco, D.D.S. - Settlement Letter filed on August 25, 2009.

VIII. OTHER MATTERS:

1. The Board reviewed correspondence from Ronald J. Hunt, DDS, President of the American Dental Education Association regarding the ADEA statement on professionalism in dental education. The Board took this as informational.
2. The Board reviewed information from Drake College of Business concerning its Dental Assisting Externship program. The Board took this as informational.
3. The Board reviewed correspondence from the Commission on Dental Accreditation concerning accreditation of the Dental Assisting Program at Berdan Institute in Wayne and the Cape May County Technical Institute in Cape May Court House. The Board determined that a letter be sent to Berdan Institute and Cape May County Technical Instituted advising them that the Board is aware of this situation and asks the schools to identify the nature of the deficiencies and any and all attempts made to address the deficiencies.

A letter will also be sent to CODA requesting that it identify the deficiencies as the correspondence listed the deficiency with a code without description.

NOTE: The Board will review this issue in Sunset Review of regulations - Language in the regulation refers to "CODA approved."

4. Dr. Charles F. Sgroi - The Board reviewed a request for extension to complete the continuing education credits for licensure renewal. The Board in a motion by Dr. DeSciscio, seconded by Dr. Feinberg, approved a nine (9) month extension to complete the forty (40) hours. Dr. Sgroi must submit proof of the courses to the Board by July 1, 2010.
5. The Board reviewed an inquiry from Arthur Meisel, Esq., from the New Jersey Dental Association concerning the advertisement of Invisalign appliances. This matter was tabled for a legal opinion.

NEW BUSINESS:

1. Article concerning "University of Minnesota to offer Canadian licensure exams to dental graduates." The Board took this as informational.
2. Question from Arthur Meisel, Esq., for the NJDA about whether dentists could provide the H1N1 flu shot. This matter was tabled to request information from Department of Health concerning Statewide flu plan. The Board will also have to address whether this is within the scope of practice. This may need to be addressed during Sunset review.

IX. APPEARANCES:

1. 9:30 A.M. - Dr. Joseph Vogler - Request for reinstatement of his New Jersey dental license which was suspended on May 2, 2007. Dr. Volger appeared with counsel Mr. Clifford Swift, Esq..

The Board in a motion by Dr. Feinberg, seconded by Dr. DeSciscio, determined to reinstate Dr. Vogler's license with restrictions:

- No CDS prescribing for at least one year
- No narcotics on the premise for at least one year
- Must continue with PAP
- Random urines at least twice a week
- Must attend AA meetings

- Must continue to see sponsor, psychiatrist, therapist
- Quarterly reports from treating psychiatrist and psychotherapist
- Personal 6 month reports to the Board for at least 5 years
- No practice of clinical dentistry for at least one year, at which time he may request modification to the restrictions, and may request him to demonstrate competency to practice
- Any violation results in automatic suspension

2. 2:00 P.M. - Dr. John Kirkowski - Request for reinstatement of his New Jersey dental license which was suspended March 4, 2009. Dr. Kirkowski appeared without counsel.

The Board acknowledged that he has complied with all of the terms of the Consent Order.

The Board in a motion by Dr. Dolinsky, seconded by Dr. Feinberg, determined to reinstate his license with the following conditions:

- He is required to submit a self-report every 6 months with pictures reflecting current condition of his office, and a copy current spore test, sterilization report, hazardous waste report.

ADJOURNMENT: