

NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
NEWARK, NEW JERSEY
SEPTEMBER 2, 2015

NOTE: The Public Session was called to order at 10:00 A.M. by President Emil Cappetta, DDD.

ATTENDANCE: The following members were in attendance:

Joseph Battaglia, DMD; Emil Cappetta, DDS; Elizabeth Clemente, DDS;
Peter Clemente, DMD; Nicholas C. DeRobertis, DMD; Herbert Dolinsky,
DDS; Steven Goldstein, DDS; Roger Kriete, DMD; Beverly Kupiec, PhD,
RN; Richard D. Riva, DDS

OTHER ATTENDEES: Deputy Attorneys General Miller and Goulding; Cecilia Moreira
Senior Management Assistant.

ABSENT/EXCUSED: Shirley Birenz, RDH

I. APPROVAL OF MINUTES: July 22, 2015

August 5, 2015

The Board in a motion by Dr. DeRobertis, seconded by Dr. Goldstein, approved the minutes as amended.

II. COMMITTEE REPORTS:

A. Applications:

1. Dr. Kwang Han Kim - Application for dental license. Dr. Kim took the WREB in 2008. According to the Board's calculations Dr. Kim did not pass all sections with at least a 75% or higher. In order to qualify for licensure Dr. Kim must successfully complete the restorative, endodontics and treatment planning sections of the exam administered through the CDCA.
2. Dr. Andrew Mramor - Application for dental license. Dr. Mramor took the WREB in 2000. Dr. Mramor passed all sections with a 75% or higher. The Board approved this application.

B. Continuing Education:

The Board in a motion by Dr. Battaglia, seconded by Dr. DeRobertis, approved the continuing education committee recommendations.

III. PROPOSED MEETING DATES FOR 2016:

The following are the Board of Dentistry meeting dates for 2016:

January 6 & 20
February 3 & 17
March 2 & 16
April 6 & 20
May 4 & 18
June 1 & 15
July 6 & 20
August 3
September 7 & 21
October 5 & 19
November 2 & 16
December 7 & 21

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

1. Dr. John E. Feeney - This was taken as informational.
2. Rutgers School of Dental Medicine (2 reports) - Both reports were taken as informational.
3. Dr. Sushmitha Jeeri - This was taken as informational.
4. Dr. Dino Calabrese - This was taken as informational.

V. INFORMATION FOLLOWING DISCIPLINARY ACTION:

1. Dr. Paresh Patel - The Board reviewed additional information in follow-up to Dr. Patel's failure to pass the ProBE course as required by the Board's Order filed on August 6, 2014. Dr. Patel states that he is no longer practicing dentistry. The Board determined that Dr. Patel be advised that no requests for reinstatement will be entertained until he successfully passes the ProBE course.
2. Dr. Anthony Vocaturo - The Board reviewed a letter from Dr. Vocaturo along with proof of completion of ten hours toward the fourteen hour requirement for crown and bridge work as required in the Board's Final Consent Order filed on May 21, 2014. Dr. Vocaturo is also requesting a waiver of the remainder four hours or additional time to complete the requirement.
The Board moved this matter to Executive Session for deliberation.
Upon returning to Public Session the Board requested that Dr. Vocaturo advise whether there were post tests for the online courses he took. The Board denied the waiver and granted an additional month to complete the remaining credits.

VI. ORDERS FILED WITH THE BOARD:

The following orders were taken as informational:

1. Karen F. Wright, RDH - Final Order of Discipline filed on August 5, 2015.
2. Dr. Joseph Zicchino - Consent Order filed on August 5, 2015.
3. Dr. Mitchell Stave - Consent Order filed on August 20, 2015.

VII. OTHER MATTERS:

1. Anthony J. Mancino, D.M.D. - Respondent's motion to reopen, Attorney General's opposition and respondent's reply.

At its meeting on August 5, 2015, the Board reviewed respondent's motion to reopen the record and remand for further proceedings. At that meeting, the Board, noting that the Attorney General had not yet had an opportunity to reply, deferred its decision. The Board delegated to then Board president Shiley Birenz and vice president Dr. Emil Cappetta the task of deciding the motion, subject to ratification by the full Board. Ms. Birenz and Dr. Cappetta denied the motion and counsel were notified of that decision.

The Board considered the submissions of the parties and ratified the committee's decision.

The Board granted a second extension until September 3, 2015 to file exceptions and until September 14, 2015 to file any reply to the exceptions.

The matter is scheduled for September 16, 2015 at 8:30 A.M. to consider the Initial Decision in this matter and will decide to accept, reject or modify that decision.

2. Follow-up request from August D. Pellegrini, DDS, concerning a previous request regarding the ability of physicians, registered nurses, nurse practitioners and physicians assistants to oversee treatment rendered by dental students in community based programs.
After discussing this matter the Board determined that Dr. Pellegrini be advised that the Dental Practice Act at 45:6-19(3) that states that a dentist must supervise the dental students.
3. Survey from Cindy Ritter, Program Administrator, Florida Board of Dentistry, questioning whether the Board requires conscious or moderate sedation permit holders to use end tidal CO2 monitoring.
The Board stated that it is within the standard of care to use capnography monitoring and the Board is considering adding this requirement to its regulations.

4. Inquiry from Dr. Matthew S. Steinberg questioning whether a dental hygienist or a dental assistant can do a VelScope or Vizilite examination.
The Board determined that it is not within the scope of practice for a dental hygienist or dental assistant to do these examinations as it requires a diagnosis and only a dentist can diagnose.
5. Information indicating that the Southern Regional Testing Agency (SRTA) as of August 10, 2015 will no longer be administering the ADEX licensure examination. After discussing this matter the Board asked that the testing agencies (CRDTS, SRTA, ADEX, WREB) be contacted for information concerning their exam so that the Board can determine whether their exams are comparable and whether the Board should accept the exam as a condition of licensure.
A committee was appointed to review the information received from these testing agencies (Dr. DeRobertis, Dr. Battaglia, Dr. E. Clemente).
6. CODA - Commission on Dental Accreditation unofficial report of major actions August 6-7, 2015.
The report states that eight (8) dental assisting programs and two (2) dental hygiene education programs received a formal warning that accreditation will be withdrawn in February 2016 unless the requested information is submitted prior to that time. The Board determined that CODA be contacted to ask whether these programs are in New Jersey.
7. ADEX - Information concerning the ADEX House of Representatives Meeting November 15, 2015.
Dr. Battaglia will be the Board representative at this meeting.

VIII. HAND-OUT:

1. The Board reviewed an inquiry from Jason J Krisza, Esq. regarding referrals to dental offices in which they have an ownership interest. DAG Miller reported that she spoke with Mr. Krisza and requested that he provide additional information in order to address his inquiry.

IX. APPEARANCES:

1. 11:00 A.M. - Dr. Jack M. Gelb - Appearance in connection with the Consent Order filed by the Board on December 18, 2014. Dr. Gelb appeared with counsel, Ann Kiernan, Esq.

Dr. Gelb appeared before the Board to request reinstatement as required by the Consent Order. He provided the Board with the proof of completion of the continuing education. Dr. Gelb provided background information that led to the disciplinary actions taken against him by New Jersey and other states.

During his testimony, Dr. Gelb stated that if his license is reinstated he will agree not to work as a solo practitioner and will agree to have a monitor in place.

During the questioning Dr. Gelb was requested to provide the following:

- Provide a list of all discount dental plans in which he was enrolled for the last three years.
- Provide additional information concerning the online CPR course he took.
- Provide a copy of the written agreement between him and Dr. Davidson and Dr. Jack Bell, the new owners of the practice.
- Provide the formation papers for the last ten (10) years of his corporate practice.

At the conclusion of Dr. Gelb's testimony and questions from the Board the inquiry was ended. The matter was moved to Executive Session for deliberation.

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.