ATTENDANCE:
The following members of the Board were in attendance:
Dr. Valentine Bloch; Dr. Emil Cappetta; Dr. Anthony Chibbaro; Mrs. Helen Huber; Dr. William Orlacchio; Dr. John Ricciani; Dr. Barbara Rich; Dr. Arnold Rosenheck; Dr. Abraham Samansky.

ADDITIONAL ATTENDEES WERE:
Nancy Costello Miller, Deputy Attorney General; Michelle Albertson, Deputy Attorney General; Kevin B. Earle, Executive Director and Michael Dominach, Paralegal.

ABSENT AND/OR EXCUSED:
Mr. Louis Cardenas; Patricia Delaney, RDH

APPROVAL OF MINUTES:
May 15, 2002 - Approved as amended
July 24, 2002 - Approved as amended
August 7, 2002 - Approved as amended

EXECUTIVE DIRECTOR'S REPORT:

1. **Dr. Jeffrey M. Perricci** - On January 5, 1998 the Board issued a $250 penalty for failure to properly complete the biennial renewal form concerning the continuing education credits required for the renewal of the 1997-99 dental license. Dr. Perricci is requesting that this disciplinary action be removed from his record indicating that the continuing education credit requirement was completed well in advance of the deadline. After discussing this matter the Board determined that Dr. Perricci was improperly cited and rescinded the penalty. The $250 penalty will be refunded.

2. The Board discussed issues surrounding currently pending Uniform Penalty Letters for advertising violations.

As determined at a previous meeting, the Board may issue Letters of Admonishment for first time offenders on a case by case basis. After discussing this matter, the Board determined that Letters of Admonishment should be issued in cases where the Uniform Penalty Letter has not yet been issued.

COMMITTEE REPORTS:

DENTAL APPLICATIONS:
The committee discussed the following applications for licensure by reciprocity and/or NERB past five years. The committee recommends approval:

- Dr. Robert Kane
- Dr. Krisda Hemintakoon
- Dr. Henry Hurwitz
- Dr. Valerie Dounski
- Dr. Maryann Burkhard

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

**Dr. Rudolph Novello** - The Board discussed his request for reinstatement of license which expired in 1999. The Board determined that prior to reinstatement of license he must submit forty hours of continuing education along with the appropriate fees.

NOTE: An Ad-Hoc committee, consisting of Dr. Orlacchio, Dr. Rich and Dr. Ricciani, was established to review the Board's statutes and regulations with regard to issues relating to licensure by reciprocity and endorsement, and to make specific recommendations to facilitate the processing of applications from candidates licensed in other jurisdictions.

**DENTAL AUXILIARIES:**

**Sandra Gallo** - The committee discussed this dental hygiene application for licensure by credentials. The committee recommends approval. The Board approved the committee's recommendations.

**ANESTHESIA COMMITTEE:**

**Dr. William Balkan** - Request for a Parenteral Conscious Sedation permit. The Board approved the permit.

**REGULATORY COMMITTEE REPORT:**

The following regulatory initiatives were discussed:

1. NJAC 13:30-8.7 - Delegation of Physical Modalities - A request had been made by the Physical Therapy board for deletion of "ultrasound and electrogalvanic stimulation" as a category of physical modality which may be delegated to an unlicensed assistant. This is inconsistent with Board of Medical Examiners and Chiropractic regulations which prohibit such practice. Further research on this issue is required. This matter was tabled.

2. Continuing Education - An increase in continuing education credits for renewal of a hygiene and registered dental assistant license from ten to twenty credits will require a statutory change. No action can be taken by the Board in the form of a regulation for such a change.

3. 13:30-8.10b(1) - Discussion concerning a change to permit submission of insurance forms to insurance companies for procedures earlier than the date of completion of services. The committee recommended that no change should be made. When submitting insurance forms, a licensee must define specifically what procedure has been completed. The Board approved the committee's recommendations.

4. 13:30-8.7(a)7 - Deletion of the term "or a copy of any written prescription" as an option for licensees in their record keeping. The committee noted that it would be good practice to indicate on the patient's treatment record all prescriptions written. The Board in a motion by Dr. Bloch, seconded by Dr. Samanksy determined that a regulation should be drafted to require dentists to note in the treatment chart all prescriptions written. Dr. Rich and Dr. Ricciani were opposed indicating that the prescriptions should only be noted in one place. The motion passed.

5. 13:30-8.7(a) - Informed Consent - The committee recommended that patients be presented with treatment...
alternatives and the rationale for each treatment. Once a treatment plan is chosen, patient consent should be obtained and consequences explained. Although the committee does not recommend a regulation, they encourage such practice. It was suggested that this matter be placed in the next Newsletter as a "good practice" recommendation. The board approved the committee's recommendations.

6. Bleaching by dental hygienists and registered dental assistants - The committee discussed the possibility of proposing a regulation to permit dental hygienists and RDAs to perform bleaching. The change is to include external bleaching only. Internal bleaching will still not be permitted. Likewise light or laser activated bleaching should remain prohibited. The regulation should make it clear that the choice of product and its delivery is ultimately the responsibility of the treating dentist. The Board tabled this matter for further review by the committee.

7. Infection Control - The Board discussed the possibility of adding requirements to adhere to OSHA and CDC standards to the Board's regulation. The Board tabled this matter for further review by the committee. The Board office should obtain copies of OSHA and CDC standards for further reference.

8. Administration of local anesthesia by dental hygienists. Tabled for further review by the committee with Ms. Delaney.

9. Sexual misconduct regulation - A last draft of this proposed regulation is to be obtained and reviewed in order to develop a recommendation.

10. Expanded Duties for Dental Auxiliaries - This matter was tabled and referred back to committee.

**PROPOSED REGULATION:**

1. The Board reviewed the Department of Banking and Insurance - Proposed Amendment: N.J.A.C. 11:22-1.6 - Health Benefit Plans, Prompt Payment of Claims, Denied and Disputed Claims. The Board took this as informational noting that the proposal dealt with methods of extrapolation used by carriers to determine an amount of recovery.

**INCIDENT REPORTS:**

The Board reviewed the following incident reports:

1. Dr. Stephen B. Kahn
2. Dr. Nguyet Vu-Nguyen
3. Dr. Michael Hoffmaster

The Board took this as informational.

**REQUEST FOR MODIFICATION OF THE TERMS OF THE BOARD'S ORDER:**

1. Dr. Michael Felber - The Board discussed a request for modification of the terms of the Order filed on November 14, 2001. The Board determined that Dr. Felber should submit to an independent psychiatric evaluation before this request is considered.

**RESPONSE TO PROVISIONAL ORDER OF DISCIPLINE:**

1. Dr. Gordon R. Barnes - The Board received a response to the Provisional Order of Discipline. This matter was moved into Executive Session.

The Board returned to Public Session and determined that a Final Order be entered.

**OTHER MATTERS:**
1. The Board reviewed a request from Robert P. Reznick, Esq. for confirmation that certain activities in the fabrication of athletic mouth guards are not defined as the practice of dentistry. After discussing this matter, the Board determined that it would appear that the activity proposed would be classified as a dental practice and would then be restricted to dental practitioners.

ADJOURNMENT: