

**NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
BOARD OFFICE
NEWARK, NEW JERSEY SEPTEMBER 8, 2004**

ATTENDANCE: The following members were in attendance: Emil Cappetta, DDS; Mr. Louis Cardenas, MBA; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Alexander Hall, DMD; Beverly Kupiec, RN, Ph.D; Ms. Laura Leach, MBA; Sally-Jo Placa, DMD; John Ricciani, DMD; Barbara Rich, DDS; Arnold Rosenheck, DMD.

OTHER ATTENDEES: Deputy Attorneys General Nancy Costello Miller and Joseph Donofrio, Terri Goldberg, Assistant to the Executive Director.

ABSENT AND/OR EXCUSED: Patricia Delaney, RDH, Ed.M.

NOTE: The Public Session commenced at 10:35 A.M.

APPROVAL OF MINUTES: July 7, 2004 - Approved as amended. Dr. Placa and Dr. Kupiec abstained.

A. COMMITTEE REPORTS:

1. Pending Applications: - Michael Boyer, DDS - Application for reinstatement of dental license. The Board in a motion by Dr. Rosenheck, seconded by Dr. Placa, moved this matter to Executive Session for deliberation. The Board returned to open session and in a motion by Dr. Cappetta, seconded by Ms. Leach, denied Dr. Boyer's request for reinstatement of license and determined that a Provisional Order of Discipline be drafted outlining the reasons.

- Dr. Dan Adofo-Mensah - Application for reinstatement of dental license. The Board in a motion by Dr. Rosenheck, seconded by Dr. Placa, moved this matter to Executive Session. This matter was tabled.

2. The committee recommends that the following applications be approved for a dental license:

- Dr. Chu Ryu
- Dr. Victor Rosenson
- Dr. Michael Chang

3. Dr. Allen Zukor - The committee recommends that this applicant be scheduled for an appearance to discuss information provided on the dental application.

4. Kristen Rzczkowski, RDA - The committee recommends approval of her application for Registered Dental Assistant registration.

The Board in a motion by Dr. Rosenheck, seconded by Ms. Leach, approved the committee's recommendation

B. SECRETARY'S REPORT:

The Board in a motion by Dr. Rosenheck, seconded by Dr. Cappetta, approved the list of applicants for licensure.

C. NOT ON THE AGENDA:

1. Dr. Marianne Mauro - Deputy Attorney General Joseph Donofrio reported that an Order of Suspension was filed suspending Dr. Mauro's license effective September 2, 2004. Information was provided by Dr. Hanbury indicating that Dr. Mauro was non-compliant with the Board's Order of Reinstatement filed on

May 19, 2004. Dr. Mauro is requesting an appearance before the Board. Mr. Dizzia, counsel for Dr. Mauro, requested an adjournment until September 22, 2004, and requested that until the appearance that Dr. Mauro be permitted to receive proceeds from the practice. The Board in a motion by Ms. Leach, seconded by Dr. Capetta, determined that an Interim Order be filed allowing Dr. Mauro to receive monies from the practice until the September 22, 2004 appearance. She must refrain from any clinical treatment of patients.

D. ELECTIONS:

Elections for President and Vice-President of the Board.

Patricia Delaney, RDH was not present but was available telephonically during the elections.

President Dr. Placa was elected President of the Board with seven members voting in favor, four against and one abstention.

Vice-President The Board in a motion by Ms. Leach, seconded by Dr. Rosenheck elected Dr. Dolinsky Vice-President.

Dr. Ricciani offered to relinquish the chair to Dr. Placa. Dr. Placa thanked Dr. Ricciani and requested that he continue to chair the meeting.

E. ADMINISTRATIVE COMPLAINT:

1. Joan M. Monaco, DMD - The Board reviewed the Administrative Complaint filed by the Board on July 15, 2004 and answer by Dr. Monaco filed on July 30, 2004. The Board discussed whether to retain the matter or refer the case to the Office of Administrative Law for a hearing. The Board in a motion by Dr. Cappetta, seconded by Dr. Rich, determined to retain this case with the Board.

F. REGULATIONS:

1. The Board discussed the proposed regulation published in the New Jersey Register concerning "Continuing Dental Education Requirements for Dentists; Deep Sedation; Sleep Dentistry; Enteral Sedation with Single or Multiple Pharmacological Agents". Comments are to be submitted by October 15, 2004.

G. LEGISLATIVE REVIEW:

1. A-1763 - The Board reviewed proposed legislation which "permits person with criminal record to obtain certain employment if disqualifying offense was committed more than 10 years ago". The Board offered no comment and took this as informational.

H. INCIDENT REPORTS:

The Board reviewed the following incident reports. Dr. Ricciani was recused on the incidents submitted by UMDNJ:

1. Harold V. Cohen, DDS (UMDNJ) 2. Jerome Silverstein, DDS (UMDNJ) 3. Michael Cappuccilli, DDS (UMDNJ) 4. Kayvon Haghighi, DDS, MD - Dr. Placa was recused in this matter. 5. John R. Kukucka, DMD

The Board took all incident reports as informational.

I. OTHER MATTERS:

1. Babak Ghalili, D.M.D. - The Board reviewed Dr. Ghalili's request that the disciplinary action for an advertising violation be removed as a formal action on his record. The penalty and certification was submitted and signed by an individual in the practice. Dr. Ghalili indicates that he had not seen the

advertisement and was not aware that it was published. The Board in a motion by Ms. Leach, seconded by Dr. Cappetta, determined to rescind this disciplinary action from Dr. Ghalili's record.

2. AADE - The Board reviewed information submitted concerning the following:

- Information concerning the "National Uniform Dental and Dental Hygiene Clinical Examination". - Information concerning a proposal to change the AADE name to Federation of State Dental Boards.

The Board took this as informational.

3. ADA - The Board reviewed a request for State Board participation on accreditation site visits. No board member is available to assist in this matter.

4. NERB - The Board reviewed an inquiry questioning whether the Board would be interested in considering a computer-based examination on the monitoring of nitrous oxide analgesia by dental hygienists. The Board indicated that the present regulations do not require an examination. The Board took this as informational.

5. Dr. Elizabeth A. Clemente - The Board discussed his request for possible consideration as a NERB examiner. The Board determined that she be scheduled for an appearance at a future board meeting.

6. Dr. Gail P. Petrosky - The Board reviewed a request for consideration of expanding the treatment modalities permitted by a dentist to include botox injections. The Board referred this matter to the Botox committee.

7. Dr. Mark Sandler - The Board reviewed a request for guidance concerning the opening of a dental office which focuses on just "cleaning". The Board noted that all dental offices must comply with statute and regulation standards even if services offered are limited. The office must be registered as a branch office.

8. The Board reviewed an inquiry from Beatrice A. Buccos, RDH, Delta Dental, concerning patient abandonment & access to emergency care. The Board indicated that this issue will be placed on a future agenda for discussion.

J. APPEARANCES:

1. 2:00 P.M. - Mary E. Kohler, DMD - Request for reinstatement of the New Jersey dental license. Dr. Kohler requested an adjournment. This matter will be rescheduled. Dr. Kohler will be requested to provide reports from her physician addressing her request to return to practice.

2. Dr. Alfred Sabato - Dr. Sabato did not appear for the Investigative Inquiry. The Board in a motion by Ms. Leach, seconded by Dr. Cappetta, determined that a Provisional Order of Discipline be sent suspending Dr. Sabato's license for thirty days to continue indefinitely until he appears before the Board and assessing a \$5,000 penalty for failure to comply with a subpoena.

ADJOURNMENT: The Public Session adjourned at 11:40 A.M.