

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE
NEWARK, NEW JERSEY

OCTOBER 3, 2012

NOTE: The Public Session meeting was called to order at 10:30 A.M.

ATTENDANCE: The following members were in attendance:
Mr. Steven Brisgel; Emil Cappetta, DMD; Lydia David, DMD; Sheila Dashkow, DDS; Nicholas C. DeRobertis, DMD; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Roger M. Kriete, DMD; Beverly Kupiec, RN, PhD; Richard D. Riva, DDS

OTHER ATTENDEES: Deputy Attorneys General Miller and Oo; Executive Director Jonathan Eisenmenger; Cecilia Moreira, Senior Management Assistant

ABSENT AND/OR EXCUSED: Shirley Birenz, RDH

I. APPROVAL OF MINUTES: September 19, 2012

The Board in a motion by D. Riva, seconded by Mr. Brisgel approved the minutes as amended.

II. COMMITTEE REPORTS:

1. Applications:

- Jeanine Marie Mangogna - Dental hygiene reinstatement application. She completed 65 credits of continuing education in lieu of the refresher course.
Request more information about the nature of individual courses(in person? hands-on?.)

2. Continuing Education:

Dr. Cappetta reviewed three courses submitted for remedial continuing education courses. He is recommending approval of two of them, and recommends denial of one because it does not meet the criteria.

III. BUDGET REVIEW:

1. Darlene Kane, Budget Officer from the Division of Consumer Affairs, discussed the Board's budget. Ms. Kane distributed a financial report on the Board's budget, which reports final statistics for FY 2012. The Board took this as informational and requested that Ms. Kane meet with the Board prior to the end of the current fiscal year to obtain a status of the budget.

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

1. Dr. Sameera Quadri - Received as informational.
2. Dr. David T. Bolger - Received as informational.
3. Dr. Daya Bale - Moved to executive session for discussion.
4. Dr. Jennifer Lamphier & Dr. Robert Weinflash - Moved to executive session for discussion.

V. INQUIRY CONCERNING REQUIREMENTS SET FORTH IN THE BOARD'S CONSENT ORDER:

1. Dr. Richard Bradway - Dr. Bradway requests modification to the continuing education requirements, and to be forgiven from paying the remaining balance of the \$15,000 penalty assessed against him by Consent Order of Reinstatement filed on May 18, 2011.

The Board in a motion by Dr. Feinberg, seconded by Dr. Riva, moved this matter to executive session for discussion and advice of counsel. Upon return to public session. The Board requested additional information.

VI. INQUIRY CONCERNING THE BOARD'S CONTINUING EDUCATION REQUIREMENTS:

1. Dr. Albert Turpie - Dr. Turpie previously received an extension to complete required continuing education. Dr. Turpie is requesting additional consideration regarding completion of the credits. The Board in a motion by Dr. Feinberg, seconded by Dr. DeRobertis, moved this matter to executive session. Upon return to Public session. Board moved to permit Dr. Turpie to complete the credits through online courses provided those courses are pre-approved by the Board and completed within 45 days.

VII. ORDERS FILED WITH THE BOARD:

1. Jon Lackner, DDS - Final Consent Order filed on September 5, 2012. This was received as informational.

2. Sherry L. Taranto, RDH - Final Order of Discipline filed on September 5, 2012. This was received as informational.

VIII. OTHER MATTERS:

1. Inquiry from Samuel A. Fleishman, MD, President of the American Academy of Sleep Medicine, concerning the scope of practice of a dentist. Specifically, Dr. Fleishman states that the position of the AASM is that sleep apnea is a medical disorder and must be diagnosed by a medical doctor. He is also concerned that dentists are promoting the use of home tests, which he feels should only be prescribed, monitored, administered and results interpreted by a medical doctor. The Board requested that Dr. Fleishman be provided with a copy of the Board's previous minutes about this matter.
2. Inquiry from Erica Santos-Buchanan, Credentialing Specialist, Jewish Renaissance Medical Center, Inc., requesting clarification on the branch office licensing requirement. Dr. Kupiec is recused because the Department of Health provides support to this type of centers.
The Board determined that Ms. Santos-Buchanan be advised that individuals need a branch registration unless they are serving on the staff of a hospital or other institution where they are not receiving compensation (N.J.S.A. 45:6-10.)
3. Inquiry from Lisa C. Mann questioning whether a dentist can delegate the administration of Botox to a registered nurse. The Board determined that Ms. Mann be advised that in accordance with N.J.A.C. 13:30-8.4A(j), dentist may delegate to a licensed health care professional consistent with that professional's scope of practice. The dentist must have met the requirements of the regulation prior to delegation.
4. Inquiry from Joan M. Block, Executive Director, Hepatitis B Foundation, requesting the requirements for infected individuals to obtain a dental license to practice dentistry. The Board determined that there is no specific rule addressing this. The Board evaluates applications on a case by case basis. One of the standard questions, which must be answered, directs applicants to disclose whether they have any health conditions that would prevent them from providing dental treatments and services in a safe manner. An affirmative answer to that question does not automatically bar an applicant from obtaining a license, but would likely require an additional review of the conditions present in the individual, their knowledge of the condition(s), and whether ongoing treatment and/or use of aids and/or safety precautions mitigate the potential risks to the public.

5. WREB - Fall 2012 Board Newsletter. This was received as informational.

IX. PUBLIC COMMENT

1. Question from Arthur Meisel from the New Jersey Dental Association regarding the implementation of the “general supervision” statute. Specifically, whether dental hygienists working under general supervision may provide topical anesthetics. The Board in a motion by Dr. Feinberg, seconded by Dr. DeRobertis, determined that topical anesthetics, including sulcular application, may be provided to a patient by hygienists working under general supervision, with instructions provided by the dentist, either oral or in writing, prior to the patient visit.
2. Question from Arthur Meisel regarding whether a hygienist can be a share holder with a dentist in a professional corporation. The Board’s deputy attorney general will look into this matter and report at a future meeting.
3. Question from Arthur Meisel regarding whether the Board intends on making an administrative determination, as directed by the appellate court *IMO NJDA vs. Beach Bum Tanning*. The Board indicated it would be addressing the issue. The Board in a motion by Dr. Feinberg, seconded by Dr. Cappetta, moved this matter to executive session for further discussion and advice of counsel.
4. Kim McMahon from the New Jersey Dental Hygiene Association requested the status of a pending issue concerning certain RDA expanded function duties that are not being tested by DANB with the Expanded Functions exam. This matter was tabled for further discussion with Shirley Birenz and DANB.

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.