

**NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
BOARD OFFICE
NEWARK, NEW JERSEY OCTOBER 6, 2004**

The meeting was called to order at 10:00 A.M. by Sally-Jo Placa, DMD, President of the Board.

NOTICE OF OPEN PUBLIC MEETINGS ACT: Read by Kevin B. Earle, MPH, Executive Director.

ATTENDANCE: The following members were in attendance: Emil Cappetta, DDS; Mr. Louis Cardenas, MBA; Patricia Delaney, RDH, Ed.M; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Beverly Kupiec, RN, Ph.D.; Sally-Jo Placa, DMD; John Ricciani, DMD; Barbara Rich, DDS.

OTHER ATTENDEES: Deputy Attorneys General Nancy Costello Miller and Joseph Donofrio, Kevin B. Earle, Executive Director, Terri Goldberg, Assistant to the Executive Director, Michael Dominach, Paralegal; Cecilia Moreira, Senior Management Assistant; Dr. Michael Grzelak, Dental Case Manager; Dr. Jack Roemer, Dental Case Manager.

ABSENT AND/OR EXCUSED: Alexander Hall, DMD; Ms. Laura Leach, MBA; Arnold Rosenheck, DMD.

A. COMMITTEE REPORTS:

1. Pending Applications

Dental Applications:

- Dr. Alan Krochtengel - Application for a New Jersey dental license by N.E.R.B. past five years. He meets all requirements for licensure. The committee recommends approval.
- Dr. Michael Stahl - Application for a New Jersey dental license by N.E.R.B. past five years. The committee recommends that Dr. Stahl be scheduled for an appearance before the Board to discuss the information disclosed on his application.

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

Dental Auxiliaries:

- Kathleen Corona (registered dental assistant) - The committee reviewed a request for reinstatement of her registered dental assistant registration which lapsed in 1992. The committee requested that her employment history be obtained. Ms. Corona will also have to provide proof of ten hours of continuing education credit.
- Moniku Jefferson (dental hygienist) - The committee reviewed an application for a dental hygiene license. Ms. Jefferson disclosed an arrest on her application. The committee recommends that she be scheduled for an appearance to discuss this matter.

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

2. Continuing Education - The committee recommends approval of 17 continuing education courses. The Board in a motion by Ms. Delaney, seconded by Dr. Rich, approved the continuing education committee report.

B. SECRETARY'S REPORT:

The Board in a motion by Ms. Delaney, seconded by Dr. DeSciscio, approved the list of applicants for licensure.

C. SUNSET REVIEW OF THE BOARD OF DENTISTRY REGULATIONS:

The Board continued Sunset Review of the Board of Dentistry regulations. The following were referred back to the Board's committee (Dr. Rich, Dr. Cappetta, Ms. Delaney) for further review and clarification:

1. Page 13 - Registered Dental Assistant - requirements for registration.
2. Page 27 - Limited Teaching Certificates - Issue of foreign trained dentist that may not have taken the National Boards. Should National Boards be required? Should National Boards be required for dentists with specialty training?
3. Page 30 & 31 - Should guidelines be incorporated in the regulations for companies that offer courses?
4. Page 38 (New #5) - "Where alternative procedures and treatments are presented to the patient, costs, risks and benefits, shall be reflected in the record.' This wording was not approved by the Board. It was tabled and referred to committee.
5. Page 39 - Definition for the terms "diagnostic models", "working models," and "preliminary models".
6. Page 39 - Issue concerning fee for duplication of records. Tabled and referred to committee.

The Board will continue Sunset Review of its regulations on November 3, 2004.

D. INCIDENT REPORTS:

The Board reviewed the following incident reports:

1. Jerome Silverstein, DDS (UMDNJ) - 2 reports
2. Dr. Roger Warren
3. Dr. John E. Bell
4. Dr. Narendaran Rajan

The Board took the reports as informational.

E. REQUEST FOR REINSTATEMENT FOLLOWING DISCIPLINARY ACTION:

1. Dr. Nicholas Breen - The Board reviewed a request for reinstatement of the New Jersey dental license. Dr. Breen's dental license was revoked in December 1995. The Board determined that Dr. Breen be scheduled for an appearance. Dr. Breen will be advised to obtain status reports from all individuals treating him as well as Dr. William Keene from the Well Being Program prior to the inquiry.

F. DEPUTY ATTORNEY GENERAL'S REPORT:

1. W. Thomas Breithaupt, Jr., DMD - Deputy Attorney General Nancy Costello Miller advised the Board that Dr. Breithaupt voluntarily surrendered his license. Dr. Breithaupt was enrolled in the Physician's Health Program and had a relapse into drug use.

G. OTHER MATTERS:

1. ADA - The Board reviewed a letter questioning whether a member of the Board wants to assist with the administration of the National Board Dental Examinations. No member was available to participate in this matter.

2. Proposed Regulation: Enteral Sedation - The Board reviewed a letter from Kevin McNew, Regulatory Counsel, Dental Organization for Conscious Sedation requesting an extension to the comment period on the proposed regulation and requesting a public hearing. The Board also reviewed a copy of the Administrative Procedures Act (NJSA 52:14B) and the Department of Law and Public Safety regulations on rulemaking (NJAC 13:1E-4). The Board noted that significant interest was not shown within the first thirty days of the comment period and that additional time to comment remained. The Board in a motion by Dr. Dolinsky, seconded by Dr. Rich, declined the request for an extension to the comment period and the request for a public hearing.

3. The Board reviewed a letter from Linda Hecker, CDS, RDH, BS, MA, Director of Dental Hygiene, Burlington County College requesting clarification of the definition of an industrial or corporate clinic. She is questioning whether the County College clinic requires Board approval for the delivery of patient care services. The Board determined it did not required Board approval.

4. In the Matter of the Suspension and/or Revocation of the License of Joan M. Monaco, DMD to Practice Dentistry in the State of New Jersey - At its September 8, 2004 meeting, the Board determined to retain this case with the Board. Deputy Attorney General Siobhan B. Krier, submitted a letter concerning this case. The Board moved this matter to Executive Session for discussion of settlement position.

5. Edward S. Kim, D.M.D. - The Board reviewed a request for review of the Uniform Penalty Letter issued in 2000 in connection with the continuing education requirement. Dr. Kim submitted proof that he was enrolled in a specialty program at that time and wants the Board to reconsider this matter. The Board in a motion by Dr. DeSciscio, seconded by Dr. Dolinsky, rescinded the Uniform Penalty Letter.

6. Ana M. Torsiello-Gargiulo, RDA - The Board reviewed a request that her license which expires 12-31-04 be kept active even though she is not working due to a car accident. The Board in a motion by Ms. Delaney, seconded by Dr. Rich, determined to allow Ms. Torsiello-Gargiulo to complete the continuing education courses by home study. The Board indicated that she must submit medical clearance prior to returning to active practice.

7. Joseph S. Hannah, D.M.D. - Dr. Ricciani was recused because the dentist and his family were former patients. The Board reviewed a letter from Edward C. Bertucio, Jr. Esq., in response to the Board's proposed Consent Order which modifies previous requirements. Dr. Hannah is requesting permission to treat male and female children and adolescent patient with line of sight monitoring. The Board in a motion by Dr. Rich, seconded by Dr. DeSciscio, denied this request. Dr. Hannah did not offer any new information to convince the Board that this change is in order. The Board noted that Dr. Hannah could reapply to the Board for reconsideration of modification to the Order after engaging in sex offenders therapy for at least six months.

8. Dr. Michael Parise - The Board reviewed a request for consideration that all monitoring required by Board Order be lifted. After discussing this matter, the Board in a motion by Dr. Dolinsky, seconded by Dr. Cappetta, lifted all restrictions placed on his license.

G. PRESENTATION:

1. 10:20 A.M. - Margaret Fehrendach, RDH, MS - Ms. Fehrendach, an expert in the field of dental hygiene and pain control, provided the Board with a presentation addressing the topic of pain control during dental hygiene procedures by hygienists and how it is taught and regulated in other states. The Board indicated that it will take all information provided into consideration.

H. APPEARANCES:

1. 1:30 P.M. - Dr. Wu-Hsun Peng - Request for reinstatement of the New Jersey dental license. Dr. Peng appeared without counsel. Dr. Peng's license expired in 1997. Dr. Peng explained to the Board that he never received any forms to renew his license. He was made aware that his license was expired by Horizon

Insurance Company. He indicated that he does not participate with insurance plans but will submit the forms on behalf of the patients. He indicated that his CDS registration expired in 1995. He did not renew it because he does not prescribe. He provided proof of 12 hours of continuing education for the 97-99 period, 19 credits for the 99-01 period and 28 for the 01-03 period.

The Board moved to Executive Session for deliberation.

The Board returned to Public session and in a motion by Dr. Dolinsky, seconded by Ms. Delaney, approved the reinstatement of Dr. Peng's license. The Board determined that a Consent Order be negotiated to include a \$2,500 penalty for failure to complete the continuing education credits.

2. 2:00 P.M. - Dr. Kevin Ward - Request for reinstatement of the New Jersey dental license. Dr. Ward appeared with counsel, John Paul Dizzia, Esq. Hakima Bey appeared on behalf of the State of New Jersey.

During Mr. Dizzia's opening statement he requested that the matter be referred to Executive Session because of personal issues discussed in the report submitted by Steven Simring, M.D. The Board moved to Executive Session to discuss this request.

The Board considered Mr. Dizzia's request and determined to continue in Public Session until questions of personal nature arise.

Mr. Dizzia made an opening statement addressing his application for immediate reinstatement of Dr. Ward's dental license. He indicated that all conditions placed on Dr. Ward's license under the Board's Consent Order have been met. He requests licensure reinstatement and will agree to work with an office monitor and will agree to follow the protocols set forth by the Academy of Pediatric Dentistry. If restraints are needed, he will refer those patients to other practitioners. Mr. Dizzia discussed his objections concerning the report submitted by Dr. Simring.

Deputy Attorney General Hakima Bey did not make an opening statement.

Dr. Ward testified outlining his compliance with the Board's Order and his request for licensure reinstatement. DAG Bey and Board members directed questions to Dr. Ward.

The Board in a motion by Dr. Cappetta, seconded by Ms. Kupiec, moved to Executive Session for deliberation.

ADJOURNMENT: