

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE

NEWARK, NEW JERSEY(Somerset Room)

OCTOBER 6, 2010

NOTE: The Public Session Agenda commenced at 9:30 A.M.

ATTENDANCE: The following members were in attendance:
Mr. Steven Brisgel; Emil Cappetta, DMD; Herbert Dolinsky, DDS; Lydia David, DMD; Arnold Rosenheck, DMD

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

ABSENT AND/OR EXCUSED: John Ricciani, DMD; Peter DeSciscio, DMD; Maxine Feinberg, DDS; Alexander Hall, DMD; Beverly Kupiec, RN, Ph.D.; Sheila Dashkow, DMD; Shirley Birenz, RDH

NOTE: Because a quorum was not present, the Board met as a committee. Decisions of the committee will be ratified at a future meeting.

I. APPROVAL OF MINUTES: September 15, 2010 - Approved as amended

II. EXECUTIVE DIRECTOR'S REPORT:

1. The Board reviewed a memorandum concerning the readoption of N.J.A.C. 13:45C - Licensee duty to cooperate and comply with board orders, which has been re-proposed during sunset review. The committee recommends asking the Division of Consumer Affairs to consider inserting language referencing a licensee's duty to comply pursuant to HIPAA requirements.
2. The Board office requested clarification on the continuing education regulations governing how many continuing education credits RDAs are required to complete if they were initially licensed during the second year of the licensing period. The committee recommends that the Board require RDAs who were licensed in the 2nd year of the biennial period to complete five credits.

III. COMMITTEE REPORTS**1. Credentials:****Dental:**

- Discussion concerning the DSCE exam for individuals who have been out of practice for over 5 years. Should these individuals be required to take a “bench test” in a school setting? This matter was tabled for consultation and discussion by the full board.
- Dr. Hiep Nguyen - Application for reinstatement of license. The Board entered a Consent Order on April 21, 2010 suspending his license for failure to renew and imposing certain requirements prior to reinstatement. The committee recommends that he provide proof that he has met the terms of the Order, and explain the disciplinary action in Texas. An appearance will also be scheduled.
- Dr. Charles Neidorff - Application for a dental license. The committee recommends approval.
- Dr. David Lampl - Application for a dental license. The committee recommends approval.
- Dr. Kent Strickman - Application for a dental license. The committee recommends approval via NERB exam.
- Dr. Susan Yasrebi - Application for a dental license by reciprocity. Dr. Yasrebi does not have five years in one state. She must take NERB.
- Dr. Evan Hershkowitz - Request for a limited teaching certificate to work in a residency program at St. Joseph’s Hospital. The committee determined that this is not a qualifying site for issuance of a teaching certificate. He would have to obtain a dental license.

Dental Auxiliaries:

- Tesha Cagle - Application for dental hygiene license. The committee recommends approval.
- Gisella Millan - Application for dental hygiene license. Ms. Millan must take the Law and Jurisprudence exam. The committee recommends approval.
- Cheryl Parvisekjan - Application for dental hygiene license. The committee recommends approval.
- Melissa Schindler - Application for registered dental assistant. The committee recommends approval.
- Amada Casta - Application for dental hygiene license. This matter was moved to Executive Session for discussion. The committee recommends approval.

2. Continuing Education:

- Smile USA Center for Reconstructive Dentistry - Implant Mini Residency -
The committee discussed the additional information requested by the Board. Although the course itself looks to be legitimate, there is no certification or accreditation to vouch for it, or for a licensee to seek recourse if something goes awry. However, there are no regulations that require that a course be sponsored by an accredited group.
The Committee recommends approving the course, and sending a letter that the Board suggests seeking accreditation or certification of the course through a recognized organization. Also include advice that if there is direct patient participation, the course provider must carry malpractice insurance and non-NJ licenses should be of good standing in all jurisdictions in which they are licensed and be covered by malpractice insurance.
- Request from NJDA to re-evaluate a course on practice management. This course was approved.
- Remedial continuing education - All but one course were approved.

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

Additional information requested:

1. Dr. Kenneth Tanen - *The Board had reviewed this report on July 7, 2010.* Additional information was received. The committee seeks additional information about why baseline vital signs were not established by the dental office, who administered the oxygen, and what equipment the office has for administering oxygen.
2. Dr. Todd T. Garland - *The Board had reviewed this report on July 7, 2010.* Additional information was received. The committee seeks additional information concerning the specific treatment that was rendered to the patient, and also the outcome of the patient's treatment, to include any follow-up treatment and ultimate disposition of the course of treatment.

New reports:

1. Dr. Robert A. Hersh - Report of an incident that occurred on August 30, 2010. The committee received this as information only.
2. Dr. Jeffrey L. Perry - Report of an incident that occurred on September 2, 2010. The committee received this as information only.
3. Dr. August D. Pellegrini - Report of an incident that occurred on September 3, 2010. The committee received this as information only.

* The committee recommends that the incident report form be updated to include a place to request information about the patient's vital signs, including pulse, respiration and blood pressure.

V. PROVISIONAL ORDER OF DISCIPLINE TO BE FINALIZED

1. Maria Rizzi, Dental Hygienist - A Provisional Order of Discipline was entered by the Board on September 2, 2010, provisionally suspending the RDH until she cooperated with the investigation and fining her \$1,000. Ms. Rizzi's attorney, Matt Mandel, responded that she stopped practicing when she got the POD. He also provided the information that had been requested. DAG Oo submitted a response on behalf of the Attorney General's office that she had no objection to modifying the penalty, as the underlying response has been received.

This matter was moved to executive session for deliberation.

The committee recommends that a Final Order be filed reducing the penalty to \$500 for failure to cooperate, and removing the suspension.

VI. REQUESTS FOR MODIFICATION TO THE BOARD'S ORDER

1. Dr. Alan Schwartz - Request to modify frequency of urine screens. The committee recommends granting this request.

VII. SISTER STATE ACTIONS

Additional information requested:

1. Dr. Juanita Okemwa - Dr. Okemwa provided information concerning the surrender of her license to practice in California. This was accepted as informational.
2. Dr. Stanley Cohen - *Note: this was reviewed on July 7, 2010.* Additional information was received concerning one of the disciplinary actions in Florida. The committee requests that additional information be obtained about his current license status in Florida, and if it is anything other than "active," the details about why. Dr. Rosenheck was recused.

New reports:

1. Dr. James B. Indiveri - Report of a disciplinary action in Missouri. Dr. Indiveri has been inactive in New Jersey for 13 years. This was received as informational.
2. Dr. Ricardo Gonzalez - Report of a disciplinary action in Florida. Dr. Gonzalenz has been inactive in New Jersey since the 1990s. This was received as informational.
3. Dr. Joseph Seabrook - Report of a disciplinary action in Florida. Expired in New Jersey since 1999. This was received as informational.

VIII. COPIES OF ORDERS/SETTLEMENT LETTERS FILED WITH THE BOARD

1. Dr. Michael K. Jefferson - Uniform Penalty Letter
This was received as informational.
2. Victor W. Delarosasantos(Unlicensed) - Offer of Settlement
This was received as informational.
3. Alvaro Velez-Naranjo (Unlicensed) - Offer of Settlement
This was received as informational.
4. Dr. Mark Wasseff - Consent Order
This was received as informational.
5. Dr. Francisco Esparza - Consent Order
This was received as informational.
6. Dr. Valerie Dounski - Consent Order
This was received as informational.
7. Dr. Joseph Matriss - Final Order of Discipline
This was received as informational.

IX. OTHER MATTERS

1. Correspondence from Pamela Mandel, Esq., concerning a proposed business arrangement. This business would place specialists in offices of general dentists. The specialists would be employees of a leasing corporation.
This matter was tabled until the 10/20 meeting so that DAG Miller can speak to Ms. Mandel about the details of the employee leasing company and report back to the Board.
2. Information concerning the ADEX House of Representatives Meeting. This was received as informational.
3. Summary of Major Actions Taken by DANB's Board of Directors at the August 13-14, 2010 Annual Meeting. This was received as informational.
4. Commission on Dental Accreditation - Accreditation Standards for Dental Education Programs. This was received as informational.
5. WREB - Copy of Fall 2010 Newsletter. This was received as informational.

HANDOUTS

1. Report of a recent statutory amendment in New York which permits graduates of dental hygiene programs to receive a limited permit to practice prior to successfully completing the licensing exam. This was received as informational.
2. Correspondence from Michael Scalia, DDS, concerning the availability of enteral conscious sedation courses. He asked whether another dentist with a permit may administer sedation and that he would treat the patient. The committee noted that it is not permitted by NJAC 13: 8.4(i) (3). However, if Dr. Mercurio, who holds an enteral conscious sedation permit, is present in the operatory at all times during the procedure, it would be permitted.

3. **S-2317** - Regulatory Analyst Maryann Sheehan appeared to request that the Board consider S-2317, which establishes the NJ Center for Oral Health at UMDNJ Dental School. The committee of the Board did not take a position on the legislation.

X. ADJOURNMENT