

**NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
BOARD OFFICE NOVEMBER 1, 2006
NEWARK, NEW JERSEY**

ATTENDANCE: The following members were in attendance: Emil Cappetta, DDS; Patricia Delaney, RDH, Ed.M; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Alexander Hall, DMD; Beverly Kupiec, RN, Ph.D; Sally-Jo Placa, DMD; John Ricciani, DMD

OTHER ATTENDEES: Deputy Attorneys General Nancy Costello Miller and Joseph Donofrio; Kevin Earle, Executive Director; Cecilia Moreira, Senior Management Assistant.

ABSENT AND/OR EXCUSED: Belinda Caraballo; Karen Golding; Arnold Rosenheck, DMD.

I. APPROVAL OF MINUTES: September 20, 2006 - Approved as amended.

II COPY OF THE BOARD OF DENTISTRY - FY2006 BUDGET REPORT -

The Board took this as informational.

III. (Not on the agenda) - Presentation by Arthur Meisel, Esq. counsel for the New Jersey Dental Association and Douglas Sanborn, Esq., counsel for Delta Dental, concerning dental consultants regulation. They stated that they have been working on a bill for six months and have reached a tentative agreement. The bill would permit a dentist licensed and in good standing in another state would be able to apply for a dental consultant certificate. The individual must not have any pending disciplinary actions, or criminal actions. Following review of the application the Board would issue a registration to the applicant within sixty days. They also indicated that the legislation would create an additional seat on the Board to be held by a licensed dentist who has engaged in the practice of dental consulting for insurance. They indicated that they are finalizing the wording for this legislation and will provide a copy to the Board. Following a brief discussion, including Board concerns regarding additional Board member, the Board tabled this matter pending receipt of the new language.

IV. COMMITTEE REPORTS:

1. Credentials:

Dental Auxiliaries:

- Rebecca Hale - Application for a dental hygiene license. Ms. Hale meets all requirements for licensure. The committee recommends approval.

- Esther Smith - Application as a registered dental assistant. Ms. Smith failed to disclose information on her application. Ms. Smith does otherwise meet all requirements for registration. The committee recommends approval with a letter of advice concerning the need to be truthful on an application and noting that any future incidents may result in action against her license.

Dental Applications:

- Dr. Joseph J. Jacob - Dr. Ricciani and Dr. DeSciscio were recused. Application for a New Jersey dental license. This matter was moved to Executive Session for deliberation to review matters of a personal nature.

The Board in a motion by Ms. Delaney, seconded by Dr. Feinberg approved Dr. Jacob's application for a dental license.

- Dr. Gabriel Lerman - Dr. Ricciani and Dr. DeSciscio were recused. Application for a New Jersey dental

license. This matter was moved to Executive Session for deliberation, to review matters of personal nature.

The Board in a motion by Ms. Delaney, seconded by Dr. Feinberg, approved Dr. Lerman's application for a dental license.

- Dr. Wendy Mayer-Birnbaum - The Board reviewed a request from Dr. Mayer-Birnbaum for reconsideration of the Board's decision that she retake the NERB exam in order to reinstate her license. She reported that she had taken 14 hours of continuing education with Dr. Bruce Small. The Board noted that she must show at least 80 hours of continuing education in order to reinstate. She can take the New York University Mini-Residency course or take a comparable course or a tutorial at UMDNJ. In addition, she has had no clinical practice since the 1980's. Since she is expired, she is statutorily required to take an exam. Therefore, she still would be required to take the DSCE portion of NERB.

INCIDENT REPORTS:

1. Irving Djeng, D.D.S. - The Board took this as informational.

2. James L. Silverman, D.M.D. - The Board took this as informational.

Additional information requested:

1. Elliot Baron, D.D.S. - The Board took this as informational.

V. REQUEST TO MODIFY RESTRICTIONS FOLLOWING DISCIPLINARY ACTION:

1. John D. Rosa, D.D.S. - The Board reviewed a request from Dr. Rosa for modifications to restrictions in the Board's Consent Order. The Board moved this matter to Executive Session for deliberation.

The Board in a motion by Dr. Feinberg, seconded by Dr. Hall, requested that a report and recommendation be obtained from the Professional Assistance Program.

VI. RESPONSE TO UNIFORM PENALTY LETTER:

1. Ansin Huang, D.D.S. - The Board reviewed Dr. Huang's response to the Board's Uniform Penalty Letter assessing \$1,000 for failure to comply with the Board's continuing education regulation for the 2003-2005 renewal period. He completed more than the allowed ten hours in home study and this is his second offense. After discussing Dr. Huang's response the Board determined to sustain its original decision of \$1,000 penalty.

VII. OTHER MATTERS:

1. The Board reviewed an inquiry from Steven R. Antico, Esq., requesting clarification as to whether a practice formed by a dentist and physician owned surgical facility may bill third-party payors for a facility fee in connection with the provision of dental services under general anesthesia. During the Board's discussion it was noted that the Board's current regulations do not address "facility fees." The Board suggests that Mr. Antico forward his inquiry to the Board of Medical Examiners and Department of Health and Senior Services for their input.

2. The Board reviewed an inquiry from Steven R. Antico, Esq., concerning the Bergen Volunteer Medical Initiative, Inc.'s anticipated medical and dental practice structure. This matter has been assigned to a deputy attorney general in the Division of Law for an analysis. The Board tabled this matter pending the results of the review.

VIII ITEMS NOT ON THE AGENDA:

1. The Board reviewed a draft of the comment to be sent to the Department of Environmental Protection on

the proposed regulation concerning mercury amalgam and water pollution control requirements for indirect users and dental facilities. The Board approved this draft for mailing with minor corrections.

2. Jersey Shore Medical Center - Dr. Placa was recused because of her affiliation with Jersey Shore. The Board reviewed a letter from Dr. Paul J. Condello stating that when they first presented the nitrous oxide course two years ago, some of the participants completed the seven hour didactic program, but they did not return to take the seven hour clinical section. Some individuals in this group are now asking if they can take the clinical section only, to complete their requirement for certification. The Board determined that this would be acceptable.

3. The Board reviewed a request from Patricia Bocage, dental hygienist, for approval of a course in the monitoring of nitrous oxide she took through Phoenix College (Maricopa Community College). The course consisted of three hours clinical and seven hours didactic. The Board questioned whether this is a CODA approved college. The Board determined that this course would meet the didactic portion but not the clinical portion. Staff will check on the CODA status.

4. Dr. Harvey Nisselson - The Board reviewed correspondence from Dr. Nisselson questioning whether he can obtain continuing education credits for being a member of the ADA Council of Ethics, Bylaws and Judicial Affairs. The Board denied this request and referred him to the Board's regulations.

ADJOURNMENT: