

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE
NEWARK, NEW JERSEY

NOVEMBER 2, 2011

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

ATTENDANCE: The following members were in attendance:
Shirley Birenz, RDH; Mr. Steven Brisgel; Emil Cappetta, DMD; Sheila Dashkow, DDS; Lydia David, DMD; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Beverly Kupiec, RN, Ph.D.; Alexander Hall, DMD; Arnold Rosenheck, DMD

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

I. APPROVAL OF MINUTES: October 19, 2011 - Approved as amended.

II. EXECUTIVE DIRECTOR'S REPORT:

1. Executive Director Eisenmenger advised the Board that a resignation notice has been received from board member Jerome Fernandez.

III. COMMITTEE REPORTS:

1. Credentials:

- Niketa Desai, Dental Hygiene - Application for a dental hygiene license. The committee recommends approval.
- Aryam Modesto - Inquiry as to whether the Board would accept a letter from the dental school to process the dental application even though she will not receive the diploma until December. The Board determined that this would not be acceptable. She must graduate before she can get a license in New Jersey.

IV. PROVISIONAL ORDER OF DISCIPLINE TO BE FINALIZED:

1. Dr. Paul J. Marcucci, Jr. - This matter was moved to Executive Session for deliberation.

The Board determined to finalize the Provisional Order of Discipline by sustaining the reprimand issued in the Pennsylvania board action, \$2,500 penalty for failure to disclose the Pennsylvania action to the Board and completion of a Board-approved course in proper prescribing of controlled dangerous substance. The Board determined to eliminate the triplicate prescription requirement.

V. MISCELLANEOUS INQUIRIES:

1. The Board reviewed an inquiry from Dr. Helen P. Chiu concerning a surgical implant and bone grafting procedure. The Board determined that additional information be obtained about Dr. Chiu's training and credentials, copy of her curriculum vitae and details about her office facilities and hospital privileges.
2. Staci Pfeffer, RDH - The Board reviewed her request for Board recommendation as a NERB Examiner. The Board thanks her for her submission and will keep her information on file for the future.
3. Robert M. Marks, D.D.S. - The Board reviewed a request for an exemption of the continuing education credits for licensure renewal. The Board granted him a waiver of continuing education credits during this period. He will be encouraged to take as many credits as he can take.
4. Debra L. Weiner, Dental Hygienist - The Board reviewed her request to complete 15 hours of continuing education courses by home study. The Board granted an extension until February 29, 2012 to complete 5 credits from live courses. She may wish to contact the NJDHA to find opportunities to complete these requirements.
5. (Handout) - Albert Turpie, D.M.D. - The Board reviewed a request for a waiver of 16 hours of continuing education credits. He completed 24 hours. The Board granted an extension until February 29, 2012 to complete the 16 credits he is currently deficient. He should also contact local organized dental societies to see if he can complete these credits at a reasonable cost.

VI. ORDERS FILED WITH THE BOARD:

The following were taken as informational.

1. Dr. Peter Kammerman - Settlement Letter filed on October 17, 2011
2. Dr. Ximena Hernandez - Settlement Letter filed on October 14, 2011
3. Dr. Kenneth Avery - Order Reinstating License with Restrictions filed on October 13, 2011
4. Dr. Jan M. Franklin - Consent Order filed on October 5, 2011
5. Kathryn Orth, Unlicensed - Final Order filed on October 5, 2011
6. Dr. Deepika Reddy - Settlement Letter filed on October 17, 2011
7. Dr. Kavitha Battula - Settlement Letter filed on October 17, 2011

VII. HANDOUT:

1. AGD transcript, a quarterly newsletter for state dental boards. Informational

VIII. APPEARANCES:

1. 10:30 A.M. - Dr. Ewa Baginski and Piotr Baginski, Unlicensed - Formal Hearing.

Dr. Ewa Baginski appeared with counsel, Joseph J. Benedict, Esq. Piotr Baginski appeared with counsel, Joseph W. Spagnoli, Esq. Deputy Attorney General Megan Goulding appeared on behalf of the State.

DAG Golding presented two witnesses, Investigator Oscar Amaya and Detective John Johnston.

Mr. Benedict presented Dr. Baginski as a witness that testified on her own behalf. Mr. Spagnoli presented three witnesses, Beatra Markowsha, Isabela Juziviak and Mr. Baginski who testified on his own behalf.

At the conclusion of all testimony and questions from counsel and the Board, the matter was moved to Executive Session for deliberation.

The Board finds based on the admissions of Piotr Baginski and the testimony provided before the Board, that Piotr Baginski engaged in the practice of dentistry without a license, and that Dr. Ewa Baginski committed professional misconduct because the unlicensed practice of dentistry occurred in her practice. Dr. Baginski was not present during the visit of the undercover investigator, the Board finds that she has committed professional misconduct for not having policies in place to prevent this from happening in her dental office.

The Board in a motion by Dr. Feinberg, seconded by Dr. Rosenheck, found liability and stated a mitigation hearing should be scheduled.

The Board indicated that it would entertain Settlement offers if made.

VIII. 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.