

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE
NEWARK, NEW JERSEY

NOVEMBER 3, 2010

NOTE: 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, DMD; Lydia David, DMD; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Alexander Hall, DMD; Beverly Kupiec, RN, Ph.D.; John Ricciani, DMD; Arnold Rosenheck, DMD

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

I. APPROVAL OF MINUTES:

October 20, 2010 - Motion by Dr. Dashkow, seconded by Dr. Feinberg, - Approve pending any corrections.

II. EXECUTIVE DIRECTOR'S REPORT:

1. Notice of Receipt and Action on Petition for Rulemaking - The Board reviewed a public notice printed in the New Jersey Register on October 4, 2010. The Board referred the matter to the rules and regulations committee for discussion and recommendation.

III. COMMITTEE REPORTS:

1. **Credentials:**

- Beth Corney, RDH - Application for reinstatement of her dental hygiene license. This matter was moved to Executive Session for discussion. The Board determined that Ms. Corney be scheduled for an appearance to discuss the information disclosed on her application.

- Mary Dougard, RDH - Application for a dental hygiene license. This matter was moved to Executive Session for discussion. The committee recommends approval.

- Karen Allen, RDH - Application for a dental hygiene license. The committee noted that she has been out of practice for eight years. She needs to take the NERB to be licensed.

- Karen Mueller, RDA - Application for registered dental assistant. The committee recommends approval of license with a letter to refrain from involvement with the criminal justice system.

- Jamie Tonczyczyn, RDA - Application for registered dental assistant. The committee recommends approval of license with a letter to refrain from involvement with the criminal justice system.
- Dr. Nazli Asrar - Took the WREB exam and has been licensed in California for three years. The committee recommends that Dr. Asrar be advised that he must have practiced in one jurisdiction for five years or must take NERB.
- Dr. Dean Prestino - Request for a refund of branch office fees. The Board denied the request for a refund.
- Dr. Hyeong Kim - Application for a dental license. The committee recommends approval of license with a letter to refrain from further contact with the law.
- Dr. Ramon Raffucci - Application for a dental license. Dr. Raffucci took a clinical exam from Puerto Rico. The committee requested information about the scores from the individual sections of the Puerto Rico Clinical Exam.
- Dr. Mussarat Pathan - Application for a dental license. The committee requested that additional information about the incident/litigation from December 2004 be obtained.
- Dr. John Ahn - Application for a dental license. The committee recommends approval of license with a letter to refrain from further contact with the law.

The Board in a motion by Dr. Cappetta, seconded by Ms. Birenz, approved the committee recommendations.

2. **Continuing Education:**

The Board in a motion by Dr. Cappetta, seconded by Ms. Birenz, approved the continuing education committee recommendations.

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

Additional information requested:

1. Dr. Jaime M. Magsino - *Note: The Board first received a report of this incident on July 7, 2010, and requested more information about the reaction of the office staff to the incident.* Upon review of the response that was received, the Board determined to administratively close this matter, and suggest that in the future, Dr. Magsino put dates on his correspondence.

New Reports:

1. Dr. Rebekah Brevard - The Board reviewed information about an incident that occurred on October 5, 2010. The Board received this information as informational.
2. Dr. Ira Goldstine - The Board reviewed information about an incident that occurred on September 28, 2010. The Board received this information as informational.

V. REQUESTS FOLLOWING THE BOARD'S ORDER:

1. Dr. Patrick Quaranta - *Note: a Consent Order of Reinstatement was filed on December 11, 2007.* The Board reviewed a letter from Dr. Ed Reading of the PAPNJ, requesting a modification of the terms of the Order. The Board moved to Executive Session for discussion. The Board approved this request.
2. Dr. James Tenbrook - *Note: a Consent Order was filed on January 6, 2010.* The Board reviewed a letter from William Reilly, Esq., concerning the difficulty Dr. Tenbrook is having complying with the terms of the Consent Order. The Board moved to Executive Session for discussion. The Board will provide Dr. Tenbrook with information to assist him.

VI. PROOF OF COMPLETION OF THE PROBE COURSE IN COMPLIANCE WITH THE BOARD'S ORDER:

1. Dr. Gary Schneiderman - *Note: an Order was filed on January 6, 2010, and a supplemental Order was filed on March 17, 2010.* The Board reviewed an assessment report from the ProBE program held on September 10-12, 2010. The Board accepted this as informational.
2. Dr. Irina Lekht - *Note: a settlement letter was filed with the Board on April 26, 2010.* The Board reviewed an assessment report from the ProBE program held on September 10-12, 2010. The Board accepted this as informational.

VII. FORMAL COMPLAINT FILED:

1. Dr. John J. Graeber - Dr. Feinberg and Dr. Riccianni are recused in this matter. An administrative complaint was filed on October 21, 2010, with a notice of hearing and notice to file answer. Dr. Graeber has 35 days to provide a response to the Board. This was accepted as informational.

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

1. Dr. Raymond L. Pacholec - Consent Order Reinstating License with Restrictions was filed on October 20, 2010.
2. Dr. Michael Valerio - Consent Order was filed on October 20, 2010.
3. Dr. Gerald J. Whiteman - Order of Reinstatement was filed on October 6, 2010.
4. Dr. Ronald Rosen - Consent Order of Voluntary Surrender of Licensure was filed on October 6, 2010.
5. Dr. Clyde A. Maxwell, Jr. - Consent Order was filed on October 6, 2010.
6. Dr. Howard Pactovis - Order of Licensure was filed on October 6, 2010.
7. Maria Rizzi, Dental Hygienist - Final Order of Discipline was filed on October 20, 2010.
8. Marly A. Vasquez(Unlicensed) - Settlement letter was filed on October 19, 2010.
9. Francisco R. Macias -(Unlicensed) - Settlement letter was filed on October 19, 2010.

These matters were all received as informational.

IX. OTHER MATTERS:

1. Inquiry from John Paul Dizzia, Esq., concerning “Request for Board Policy Advisory - Restoration Orders/Settlement Agreements.” This matter was tabled for further review and discussion.
2. 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 for further review and discussion.
3. Inquiry from Howard Lavigne questioning whether dentists are allowed to conduct HIV screening tests. The Board determined that it depends on the definition of “screening” tests. It is legitimate within the context of treating a patient of record, such as screening as part of blood work for an individual dental patient. However, holding an HIV screening day would generally not be within the scope of practice.
4. Inquiry from Stephanie Garfield, a third year law student at Boston College, concerning written informed consent laws. The Board’s statutes and regulations do not require informed consent for any specific procedure; however, the board encourages dentists to use a prudent business practice by obtaining written informed consent from their patients for the diagnosis and treatment plan (with viable alternatives) prior to starting treatment.

5. Inquiry from Sarah Walters questioning whether a dentist can complete a history and physical for a patient to be admitted to a hospital and admit and/or discharge a patient. Also whether oversight is required by M.D. or D.O. Pursuant to NJSA 45:6-19.6 a dentist would need hospital privileges to perform these functions.
6. Inquiry from Chris Aronson questioning whether dentists can perform the following:
 - Laser hair removal
 - Wrinkle treatments both ablative and non ablative
 - Vascular treatments
 - Pigmented lesion removal

* The first three items are outside the scope of practice of dentistry in New Jersey. The second item was answered with the understanding that the inquiry related to the use of lasers, not injectable pharmacological agents. The last item (pigmented lesion removal) could be within the scope of practice when they fall within the oral cavity.

7. Copy of article concerning "N.J. dental group files suit against tanning salon chain offering teeth whitening." This was received as informational.
8. Information concerning DANB 2010-2011 Board of Directors and Officers
This was received as informational.

X. ADJOURNMENT: