

NEW JERSEY STATE BOARD OF DENTISTRY  
PUBLIC SESSION MINUTES  
BOARD OFFICE  
NEWARK, NEW JERSEY NOVEMBER 5, 2008

ATTENDANCE: The following members were in attendance:

Emil Cappetta, DDS; Patricia Delaney, RDH, Ed.M; Peter DeSciscio, DMD Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Karen Golding; Alexander Hall, DMD; Sally-Jo Placa, DMD; Arnold Rosenheck, DMD

OTHER ATTENDEES: Deputy Attorneys General Nancy Miller and Joseph Donofrio; Executive Director, Jonathan Eisenmenger; Cecilia Moreira, Senior Management Assistant; Michael Dominach, Paralegal

ABSENT AND/OR EXCUSED: Beverly Kupiec, RN, Ph.D.; John Ricciani, DMD NOTE: The Public Session Agenda will commenced at 10:00 A.M.

**I. APPROVAL OF MINUTES: October 15, 2008 - Approved as amended.**

NOTE: Dr. Alexander Hall reported on board member appointments and thanked the members who were not reappointed, Patricia Delaney, RDH, Karen Golding and Dr. Sally-Jo Placa for their hard work and dedication during their terms on the Board.

**II. EXECUTIVE DIRECTOR'S REPORT:**

1. The Board reviewed an email update from Regulatory Analyst Maryann Sheehan concerning the status of dental hygienist/local anesthesia rule adoption. This regulation is expected to be published in the New Jersey Register on December 1, 2008.
2. Registered dental assistants renewals will be mailed out shortly. These registrations expire on December 31, 2008.

**III. COMMITTEE REPORTS:**

1. Credentials:

Dental:

- Dr. Farid Hakimzadeh - Application for reinstatement of his New Jersey dental license which expired on October 31, 1997. The Board moved this matter to Executive Session for deliberation. The committee recommended approval. Dr. Hakimzadeh has submitted documents as required by Board regulation.

- Dr. Elliot Schlang - Application for a New Jersey dental license. Dr. Schlang took the California exam. The Board must to determine whether the exam is equivalent to NERB. The Board requested that the Executive Director obtain information from other NERB states, NERB, and the California Board. This application was tabled pending receipt of the additional information.

- Dr. Mansi Malivia - Dr. Malivia took the Western Regional Dental Boards and is questioning whether she qualifies for a New Jersey dental license. The committee indicated that she does not qualify for a New Jersey dental license. She also indicates that currently she is an endodontic resident at New Jersey Dental School. The committee noted that Dr. Malivia requires a residency permit and will be promptly so informed.

- Dr. Marie Jackson - Application for resident permit. Dr. Jackson started to work at JFK without first obtaining the resident permit. The Board moved this matter to Executive Session for deliberation.

The committee recommended approval with a letter indicating that similar future incidents could have licensure consequences.

- Dr. Norman Fischer - Application for Limited Professional Certificate. The committee recommended that an explanation be obtained from Dr. Fischer with regard to the three data bank reports submitted with his application.

- Dr. Norman Freeman - Application for Limited Professional Certificate. The committee recommended approval of this application.

- Dr. Stewart Balikov - Application for Limited Professional Certificate. The committee recommended approval of this application.

- Dr. Michele Landolt - Application for Limited Teaching Certificate. The committee recommended approval of this application pending receipt of the letter from the Dean of the school as required by NJSA 45:6-16.2. Dr. Landolt will be reminded that her practice is limited to the school and its clinical facilities (not to include faculty practice.)

NOTE: The Board requested that a letter be sent to Ceil Feldman, Dean of New Jersey Dental School, asking that she submit the certification for future applicants for limited teaching certificates.

- Melissa Beseth - Application for registered dental assistant. The committee recommended approval.

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

## 2. Continuing Education:

The committee recommended approval of 29 courses and disapproved one course. The committee also recommended approval of 27 remedial courses.

- Administration of Local Anesthesia - Jersey Shore - Dr. Placa was recused because of her affiliation with Jersey Shore. The Board in a motion by Ms. Delaney, seconded by Dr. Dolinsky approved this course as satisfying the requirements of the Board's new rule, NJAC 13:30-1A.3.

IV. 10:30 A.M. - Maryann Sheehan, Regulatory Analyst - The Board met with Regulatory Analyst Maryann Sheehan to discuss preliminary objectives in developing regulations to address financing of dental procedures. Specifically, the Board expressed interest in: - Restricting how these financial services advertise "interest free financing".

- Restricting "kickbacks" and payments to offices and office staff for signing patients up for the financial vehicles.

- Addressing concerns that patients can be billed for services that are not rendered. - There should be a treatment plan to match the amount financed and there should be full disclosure as to financial consequences of altering treatment plan or discontinuing treatment prior to completion.

Ms. Sheehan advised the Board that all health care boards will also be discussing a similar regulation and that one regulation should be drafted to include all the concerns. The Board was in agreement with this global regulatory initiative. Ms. Sheehan stated that she will continue her research and draft a regulation for Board consideration at a future meeting.

## V. PROPOSED LEGISLATION:

1. S-1939 - Extends Medical Malpractice Liability Insurance Premium Assistance Fund and collection of

annual surcharges for 5 years. The Board in a motion by Dr. Dolinsky, seconded by Dr. Feinberg, took no position on this legislation.

2. A-3290 & S-2190 - These bills would require suspension of license for certain health care professionals and medical waste facilities, generators, and transporters for willful, improper medical waste disposal.

The Director's office requested that the board members be contacted for their comments because the proposed legislation scheduled for committee vote. The Executive Director provided the Director's office with board member comments, which included a concern that dentists may be penalized for the illegal activity of someone else as well as due process concerns.

The Board in a motion by Dr. Feinberg, seconded by Dr. Placa, ratified the response submitted to the Director's office by the Executive Director.

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

Additional information requested:

1. Dr. Philip J. Santora, Jr. - The Board determined that a transcription of the patient's treatment chart and the final disposition of this matter be obtained.

2. Dr. Bassam K. Massabny - The Board took this as informational.

New reports:

1. Dr. Kathy Banks - The Board took this as informational.

2. Dr. August D. Pellegrini, Jr. - The Board took this as informational.

3. Dr. Shari A. Werner - The Board took this as informational. Dr. Werner will be reminded to use the incident report form in the future.

4. Dr. John Frattellone - The Board took this as informational.

5. Dr. John A. Kline - The Board took this as informational.

#### **VII. REQUEST FOR MODIFICATIONS TO THE BOARD'S ORDER:**

1. Dr. Charles W. Zebe, Jr. - The Board reviewed Dr. Zebe's request for modification to the Board's Consent Order filed on June 20, 2007. The Board in a motion by Dr. Feinberg, seconded by Ms. Golding, approved the removal of the requirement that Dr. Zebe submit triplicate copies of all prescriptions he writes.

#### **VIII. REQUEST FOR MODIFICATION TO THE DATA BANK SUBMISSION:**

1. Dr. Lawrence White - The Board reviewed Dr. White's request for modification to the Board's Data Bank submission. The Board in a motion by Dr. Feinberg, seconded by Ms. Golding, voted to amend its report to the National Data Bank to reflect that the underlying activity did not pose a threat to his patient's health or welfare.

#### **IX. PROOF OF COMPLETION OF THE PROBE PROGRAM AS REQUIRED BY BOARD ORDER:**

1. Dr. Gary Osmanoff - The Board reviewed proof of completion of the ProBE program as required by the Board Order. The Board took this as informational.

## **X. OTHER MATTERS:**

1. The Board reviewed an inquiry from Richard Espinosa, Practice Consultant, requesting approval of a discount dental plan. The Board determined that Mr. Espinosa be advised that while the Board does not issue advice, there are no specific regulations concerning this matter, but all patients, insured and uninsured, should be treated the same. The Board will also send a copy of the advertising regulations and remind Mr. Espinosa that all advertisements for dental services must comply with these regulations.

## **XI. COPY OF PUBLIC ORDERS FILED WITH THE BOARD FOR THE MONTH OF OCTOBER, 2008:**

1. Dr. Maher Bakri - Consent Order filed on October 24, 2008 issuing a reprimand based on disciplinary action in New York State.

2. Dr. Victor Terranova - Consent Order filed on October 15, 2008 reinstating Dr. Terranova's license with restrictions.

3. Dr. John J. Fitzpatrick - Order filed on October 15, 2008 modifying restrictions on his license.

4. Mary Jane Gagliano Kasliner, HI - Summary Order of Suspension filed on October 15, 2008 for failure to renew her dental hygiene license.

## **XII. ITEMS NOT ON THE AGENDA:**

1. Dr. Robert Korwin - The Board discussed an inquiry questioning whether "Cold Laser Therapy is within the scope of dentists and assistants to administer for the treatment of dry socket, anxiety, smoking cessation, myofascial pain dysfunction around the temporomandibular joint." The Board determined this cannot be done by dental assistants only by dentists.

2. Gregory J. Wishbow - The Board discussed an inquiry questioning whether there is a new law or regulation concerning the use of amalgams. The Board determined that Mr. Wishbow be advised that the Board has not promulgated any new regulations. The Board considers amalgam restorations to be safe and efficacious. The Board notes that the Department of Environmental Protection has a regulatory initiative related to collection of amalgam materials.

ADJOURNMENT: The public session adjourned at 11:50 A.M.