

**NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
BOARD OFFICE
NEWARK, NEW JERSEY NOVEMBER 7, 2007**

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; Ms. Karen Golding; John Ricciani, DMD; Arnold Rosenheck, DMD

OTHER ATTENDEES: Deputy Attorneys General Nancy Costello Miller and Joseph Donofrio; Cecilia Moreira, Senior Management Assistant; Michael Dominach, Paralegal.

ABSENT AND/OR EXCUSED:

Ms. Belinda Caraballo; Beverly Kupiec, RN, Ph.D.; Sally-Jo Placa, DMD

NOTE: The Public Session Agenda commenced at 10:00 A.M.

I. APPROVAL OF MINUTES: October 3, 2007 - Approved as amended.

II. COMMITTEE REPORTS:

1. Credentials:

Dental:

- Dr. George Raborn - The committee discussed Dr. Raborn's request for a dental license by reciprocity. Dr. Raborn does not meet the requirements for licensure by reciprocity because he has not practiced in a single state for the last five years. He does not meet the requirements for licensure by credentials because he did not take NERB or an exam equivalent to NERB. Dr. Raborn will be advised that he may meet the requirements for a limited teaching certificate.

- Dr. Salvatore Pavone - The committee discussed Dr. Pavone's application for a New Jersey dental license. Dr. Pavone meets all requirements for licensure. The committee recommends approval.

- Dr. Maher Bakri - The committee discussed Dr. Bakri's request for reinstatement of his New Jersey dental license which expired in 2005. The committee recommends that Dr. Bakri be scheduled for an appearance before the Board to discuss the information disclosed on his application.

- Dr. Barbara Ireland - The committee discussed Dr. Ireland's application for a New Jersey dental license. Dr. Ireland meets all requirements for licensure. The committee recommends approval.

- Dr. Hyunchul Yoo - The committee discussed Dr. Yoo's application for a New Jersey dental license. Dr. Yoo meets all requirements for licensure. The committee recommends approval.

- Dr. Michael Huynh - The committee discussed Dr. Huynh's application for a New Jersey dental license. Dr. Huynh meets all requirements for licensure. The committee recommends approval.

Dental Auxiliaries:

- Katherine Campo - The committee reviewed a request for reinstatement of her dental assistant registration. The committee recommends that Ms. Campo be required to retake the RDA exam.

- Elisa Romeo - The committee reviewed an application for reinstatement of her dental hygiene license which expired on 12-31-2001. The committee recommends that Ms. Romeo be requested to provide her employment history.

- Sandra Tamillio - The committee reviewed Dr. Tamillio's application for a dental hygiene license. The committee recommends that an appearance be scheduled before the Board to discuss the information disclosed on her application.

- Bethzaida Acevedo - The committee reviewed a request for reinstatement of her dental assistant registration. The committee recommends that her request for reinstatement be approved.

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

III. PROPOSED REGULATIONS:

1. The Board reviewed a copy of the NJ Department of Environmental Protection - Notice of Rule Proposal: Radiologic Technology; N.J.A.C. 7:28-19. The Board took this as informational.

2. The Board reviewed a copy of the Division of Consumer Affairs - Proposed Readoption: N.J.A.C. 13:44B: Per Diem Compensation for Members of Professional and Occupational Boards. The Board noted that the members of the Board of Medical Examiners are compensated at a higher rate. While recognizing the difference is based in the statute, the Board determined that a recommendation be sent to the Division noting that compensation rates for board members should be the same across all professional boards. The work, time and protection of the public by the professional boards is comparable and board members should be reimbursed as such.

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

Additional information requested:

1. Dr. Wendy S. Brill - The Board reviewed additional information provided by Dr. Brill detailing her rationale for using the specific type and amount of local anesthetic used. The Board discussed the matter in Executive Session and determined there was not a basis for disciplinary action.

2. Dr. Irina Lekht - The Board discussed the report submitted by Dr. Lekht. The Board moved this matter to Executive Session for discussion. The Board determined there was not a basis for disciplinary action.

The Board noted that numerous incident reports submitted by dentists involve patients where Articane was used. The Board determined that additional information be obtained from the manufacture and from the FDA concerning this anesthetic.

3. New Jersey Dental School - Dr. Rosenheck and Dr. Ricciani were recused. The Board took the incident report as informational.

The Board had also requested information with regard to the exchange program at UMDNJ. Dr. Vincent Ziccardi provided details with regard to the residency training program which consist of licensed dentists who are federal employees. The Board took this as informational.

New reports:

1. Dr. Barry Kliger - The Board took this report as informational.

2. Dr. Scott A. Krosser - The Board requested that a copy of the patient's chart be obtained. The Board also requests that he provide more specific information with regard to the patient's use of Coumadin,

specifically, when was it stopped and when it was resumed. Further, Dr. Krosser should be asked if he spoke with the patient's physician prior to treatment, and his rationale for using articane as the local anesthetic for this patient.

3. Dr. William C. Pollak - The Board noted that the report did not include a list of the medications being taken by the patient. The Board requested that a copy of the patient's chart be obtained.

4. Dr. Jason Hullett - The Board took this report as informational.

5. New Jersey Dental School - Dr. Rosenheck and Dr. Ricciani were recused because of their affiliation with UMDNJ. The Board took this report as informational.

6. Dr. Abraham Wenger - The Board requested that Dr. Wenger be required to complete the incident form, including listing all medications, and provide copy of the patient's chart.

7. Dr. Eric LeBlanc - The Board moved this matter to Executive Session for discussion as it is a complaint concerning a dentist.

8. Dr. Robert D. Feldman - The Board took this report as informational.

V. PROOF OF COMPLETION OF THE PROBE/PRIME COURSE:

1. Dr. Henno Prima - The Board reviewed proof of completion of the PRoBE course. The Board took this as informational.

VI. DENTIST'S RESPONSE FOLLOWING DISCIPLINARY ACTION:

1. Alfred Sabato, DMD - The Board moved this matter to Executive Session for deliberation. The Board noted that it had entered a Final Order in this matter and determined to treat Dr. Sabato's letter as a request for an appearance.

VII. REQUEST FOR MODIFICATION TO THE BOARD'S CONSENT ORDER:

1. Joseph Hannah, DMD - The Board moved this matter to Executive Session for deliberation. The Board will request Dr. Hannah to provide additional information.

VIII. REQUEST FOR REINSTATEMENT OF LICENSE:

1. Dr. Judd Garson - The Board moved this matter to Executive Session for deliberation. The Board will request Dr. Garson to provide additional information.

2. Dr. Hubert Lutz - The Board discussed Dr. Lutz' request for reinstatement of his New Jersey dental license which has been on retired status since 10-31-1999. The Board determined that Dr. Lutz be contacted to determine his intentions with regard to the practice of dentistry.

IX. REQUEST FOR ACTIVATION OF LICENSE:

1. Nakhim Michael Livshin, DMD - The Board reviewed Dr. Livshin's request for reinstatement of his New Jersey dental license. The Board determined that Dr. Livshin be advised that he must obtain medical clearance, undergo a criminal history background check, and provide proof of completion of 80 hours of continuing education credits within the last two renewal periods.

X. OTHER MATTERS:

1. Correspondence from Douglas G. Sanborn, Esq., from Delta Dental, and Arthur Meisel, Esq., from New Jersey Dental Association requesting interpretation of the Board's regulation relating to "closely allied

health professionals." The Board granted Mr. Sanborn's request to table this matter until the next meeting.

2. Daniel Di Cesare, DMD - The Board reviewed a request for approval of a dental residency program. The Board determined that this matter be reviewed by Deputy Attorney General Nancy Costello Miller. The Board also requested that additional information be obtained from Lutheran Medical Center of Brooklyn, New York.

3. The Board reviewed an inquiry from the American Dental Association concerning data being collected from the Joint Commission on National Dental Examinations in relationship to offering the National Board Dental Examinations to international candidates at testing centers in countries outside the United States. The Board indicated that it is not interested in testing international candidates because the Dental Practice Act does not permit graduates from foreign trained schools to apply for licensure unless they have completed at least two years of study at a Board approved school. Individuals taking a dental examination may misapprehend the requirements for licensure if taking such a test.

4. The Board reviewed a request for clarification with regard to RDHs and RDAs being able to apply whitening gels for in-office bleaching. The Board determined that both registered dental hygienists and registered dental assistants may apply the gel and hold the light (not laser) at the direction of a licensed dentist.

The Board determined that the dental hygiene regulation NJAC 13:30-1A.2 be modified to include in the scope of practice: "Administer a topical treatment on a patient after a licensed dentist or licensed dental hygienist has performed a prophylaxis" as a delegable duty. This is already included in the regulation for registered dental assistants.

5. The Board reviewed an inquiry questioning whether dentists in New Jersey must retain their records longer than seven (7) years if the records are for dental services to a minor child. The Board determined that for a minor child records must be maintained for seven years or until two years past the patient's 18th birthday, whichever is later.

6. Bernard W. Kurek, DMD - The Board reviewed Dr. Kurek's request for consideration to be recommended as a NERB consultant. The Board determined that it will submit Dr. Kurek for consideration as a NERB consultant. The Board noted that his name will be submitted to NERB in March 2008 for consideration.

7. The Board reviewed information from the Institute of Medical Emergency Preparedness concerning its medical emergency manual. The Board took this as informational.

8. The Board reviewed information provided by Dr. DeSciscio from his attendance at the AADE Annual Meeting. The Board referred this matter to the Board's committee to draft a regulation concerning "sexual boundaries." The committee will consist of Dr. DeSciscio, Dr. Cappetta, Dr. Rosenheck, Dr. Placa, and Ms. Golding.

XI. APPEARANCES:

1. 11:00 A.M. - Dr. Arthur Abdiy - Dr. Abdiy appeared before the Board to discuss information disclosed on his application for a dental license.

At the conclusion of Dr. Abdiy's testimony and questions from the Board, a motion was made by Dr. Dolinsky, seconded by Dr. DeSciscio, to grant Dr. Abdiy a license to practice dentistry.

2. 11:30 A.M. - Dr. Robert Wollman - Appearance concerning request for removal of restrictions placed on his dental license.

Dr. Wollman appeared with David Canavan, M.D., from the Professional Assistance Program. He discussed

his current employment history and provided details with regard to the incidents which led to the Board's previous actions.

At the conclusion of testimony by Dr. Wollman and questions from the Board the matter was ended.

The Board in a motion by Dr. Dolinsky, seconded by Dr. DeSciscio, determined to remove the restrictions on Dr. Wollman's license upon his agreement to continue participation with the Professional Assistance Program.

ADJOURNMENT: