

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE
NEWARK, NEW JERSEY

DECEMBER 1, 2010

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; John Ricciani, DMD; Arnold Rosenheck, DMD

ABSENT AND/OR EXCUSED: Beverly Kupiec, RN, Ph.D.

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

NOTE: The Public Session agenda commenced at 9:30 A.M.

I. APPROVAL OF MINUTES: November 17, 2010 - Approved as amended

II. COMMITTEE REPORTS:

1. Credentials:

- Dr. Robert T. Martini - Request for enteral sedation permit based on his credentials. The Board moved this to Executive Session for deliberation. The Board determined to obtain additional information.

2. Continuing Education:

The committee approved five remedial courses and denied one.

III. PROPOSED REGULATIONS:

1. Maryann Sheehan reported that a 90 day extension was granted in the Petition for Rulemaking filed by Dr. Recker.

2. Board of Dentistry Rules - Proposed Readoption with Amendments: N.J.A.C. 13:30 and Proposed New Rules: N.J.A.C. 13:30-8.5, 8.18, 8.23 and 8.24.

Comments received from:

- *Douglas Sanborn, Senior Vice President and General Counsel for Delta Dental*

On a motion by Dr. Dolinsky, seconded by Dr. Rosenheck, the Board voted to deny the request from Dr. Sanborn to maintain the current language of NJAc 13:30-8.10 (b)(1) and (2). The vote was 8-1 (Cappetta opposed). The Board confirmed that its intent is to encourage dentists to ensure that their submissions to insurance companies are accurate.

- *Samantha Senne, Government Relations Manager, Dental Assisting National Board.*
Ms. Senne is questioning whether the regulation would allow dental assistants to perform coronal polishing. This was not addressed specifically in Sunset. The Board determined to refer this to regulatory committee to propose a new regulation.

- *Richard Ghalie, Md, Chief Medical Office, Novalar Pharmaceuticals, Inc.*
Mr. Ghalie was questioning whether dental hygienists can administer OraVerse. The Board noted that this was added to the proposed readoption and Mr. Ghalie will be advised of this.

On a motion by Dr. Rosenheck, seconded by Dr. Hall, the Board voted to adopt the proposal as written.

3. Health Care Professional Reporting Responsibility - Proposed New Rules: N.J.A.C. 13:45E. The Board received this as information only.

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

1. Dr. Archana Shrestha - The Board received this as information only.
2. Dr. Justin Morris - The Board will request that the dentist submit the patient records and a narrative of the dental treatment, and his reason for suggesting that the patient was having an allergic reaction.
3. Dr. Gary H. Small - The Board received this as information only. A letter of advice will be sent suggesting that he take blood pressure prior to treatment.
4. Dr. Michael H. Kirsch - The Board received this as information only.

V. REQUEST FOR MODIFICATION TO THE BOARD'S ORDER:

1. Dr. Patrick Quaranta - Dr. Rosenheck is recused. Dr. Quaranta was reinstated to active practice with a Consent Order with restrictions in December 2007. The PAPNJ has submitted a report that states that Dr. Quaranta has completed four years of documented treatment and recovery with no relapses, and requests the Board identify a date when the consent order may be terminated. This matter was moved to Executive Session.

The Board determined that the consent order can be terminated as of January 1, 2011.

VI. OTHER MATTERS:

1. Additional information received from Dr. Avi H. Israeli in follow-up to his inquiry concerning the use of Picasso Lite laser by dental hygienists. The Board determined that hygienists are not permitted to use this type of laser, because a debridement alters tissue, and using a laser to alter tissue is specifically prohibited by current Board regulations.
2. Inquiry from Robert M. Dickinson, Vineland Department of Health, concerning "Permanent Cosmetic Procedures in Dental Offices." The Board determined that dental offices are intended to be used for providing dental treatments to patients, and the use of a dental operatory for permanent cosmetic procedures appears to not comport with this purpose. Mr. Dickinson will be requested to submit the name of the dentist who is contemplating this arrangement.
3. Dr. Philip Schragger - Dr. Rosenheck is recused on this matter. Request that because Dr. Schragger's criminal conviction has been expunged, the Public Minutes be modified to remove any references to criminal conduct. The Board noted that expungement does not cause the Board to modify its records and minutes.
4. Correspondence from Ivy Paraggua, RDH, concerning continuing education credits for dental hygienists. The Board directed Ms. Paraggua to its regulations, which permit hygienists to complete up to half of their continuing education credits via distance learning methods.

HANDOUTS:

1. Inquiry from Peter Lauro concerning AFLAC, which they indicate is considered an annuity and not an insurance, thereby allowing him to receive monetary rebates for all dental visits. He indicates his dentist is concerned about submitting claims to AFLAC because he is covered completely by another policy. This matter will be referred to DOBI.
2. Inquiry from Medea B. Chillemi questioning whether biofeedback is within the practice of dentistry. The Board determined to put this on the next agenda with copies of the minutes where this was considered previously.

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

1. Coreen Noguera, RDH - Voluntary Surrender of License to Practice Dental Hygiene filed by the Board on November 3, 2010.
2. Cindy M. Kolanovic, RDH - Voluntary Surrender of License to Practice Dental Hygiene filed by the Board on November 17, 2010.
3. Dr. Anna Padva-German - Consent Order filed by the Board on November 3, 2010.
4. Dr. Elliot T. Silverman - Consent Order filed by the Board on November 17, 2010.

5. Dr. Rinat Roth - Consent Order filed by the Board on November 17, 2010.
6. Dr. Craig S. Donn - Consent Order filed by the Board on November 17, 2010.
7. Dr. James M. Maguire - Consent Order of Voluntary Surrender of Licensure filed by the Board on November 23, 2010.
8. Dr. Daniel A. Smilowitz - Interim Consent Order filed by the Board on November 23, 2010.
9. Dr. Marc Weber - Administrative Complaint filed with the Board on November 16, 2010.

IX. APPEARANCES

1. 11:00 A.M. - Dr. Helena Devaris - Appearance concerning reinstatement of license following Consent Order of Voluntary Surrender of Licensure filed by the Board on May 19, 2010. Dr. Cappetta was recused on this matter due to friendship with a relative. Dr. Devaris appeared with counsel, Anthony Randazzo, Esq., and Dr. Edward Reading from the PAPNJ.

The inquiry was moved into executive session at the request of the dentist. The Board determined to obtain additional information

X. PUBLIC COMMENT

1. Inquiry from Arthur Meisel about the retention of prostheses in a dental office. The Board in a motion by Dr. Feinberg, seconded by Dr. DeSciscio, determined that it would be prudent to retain the prostheses for a minimum of three (3) years following fabrication, if the patient does not return for insertion.

X. ADJOURNMENT