

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE
NEWARK, NEW JERSEY

DECEMBER 2, 2009

8:00 A.M. - Complaint Review Committees

ATTENDANCE: The following members were in attendance:
Shirley Birenz, RDH; Steven Brisgel; Emil Cappetta, DDS; Sheila Dashkow, DMD; Peter DeSciscio, DMD; Herbert Dolinsky, DDS;; Alexander Hall, DMD; John Ricciani, DMD; Arnold Rosenheck, DMD

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

ABSENT AND/OR EXCUSED: Maxine Feinberg, DDS; Beverly Kupiec, RN, Ph.D.

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

I. APPROVAL OF MINUTES: October 21, 2009 - Approved as amended.
November 4, 2009 - Approved as amended.

II. EXECUTIVE DIRECTOR'S REPORT:

1. Licensure statistics for the month of November.

III. COMMITTEE REPORTS:

1. **Credentials:**

Dental Auxiliaries:

- Sherri Donahue (RDH) - Application for a dental hygiene license. The committee recommended approval.

- Leah Fisher(RDA) - Application for registration as a dental assistant. The committee recommended that she take the New Jersey Expanded Functions Exam. The Washington State course she completed is not comparable.

- Rose Tabib (RDH) - Application for a dental hygiene license. The committee recommended approval.

- Sharon Penn (RDA) - Application for reinstatement of registered dental assistant registration. Ms. Penn has been inactive since 2006. The committee recommended that she retake the Expanded Functions Exam in lieu of continuing education credits. She must also provide proof of CDA credentials in the last 10 years, and submit a copy of the results of the original Expanded Functions Exam.

- Leslie Russo (RDH) - Application for dental hygiene license. The Board moved this matter to Executive Session for deliberation.

The committee recommended that Ms. Russo be advised that she must comply with previous Board recommendations and take a refresher course.

Dental:

Dr. Sammy Abdelmessih - Inquiry as to whether he would qualify for a New Jersey dental license. He has been licensed in New York for 20 years and wants to apply for licensure by credentials. He attended a foreign dental school and took the New York University program and obtained a certificate not a degree. The committee recommended that he submit a complete application along with a letter from NYU detailing the courses completed and explaining the difference between degree and certificate. He must also take NERB.

Dr. Karey Matthews - Application for a New Jersey dental license. The committee recommended approval.

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

IV. TABLED FROM THE NOVEMBER 18, 2009 MEETING:

1. Dr. Nicholas Breen - Board to make decision following his appearance before a committee on November 18, 2009 for reinstatement of his New Jersey dental license. The Board moved this matter to Executive Session for deliberation.

The Board accepted the recommendations of the committee to permit him to reinstate. After he completes 80 hours of continuing education, with a minimum of 40 hours in hands-on coursework. Upon reinstatement, he will continue to be monitored by PAPNJ, and he must work with another licensee who will serve as a monitor. The Board in a motion by Dr. Rosenheck, seconded by Mr. Birenz, accepted the recommendations of the committee.

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

1. Dr. Nathalie Z. McOmber & Dr. David L. Tribula - The Board took this as informational.
1. Dr. Lisa M. Ference - The Board took this as informational.
2. UMDNJ - New Jersey Dental School - The Board took this as informational.

VI. ADDITIONAL INFORMATION REQUESTED FOLLOWING HIS APPEARANCE BEFORE THE BOARD SEEKING REINSTATEMENT OF HIS LICENSE:

1. Dr. John Kallis - The Board discussed the request for approval of a dentist to be a counter signer for CDS prescriptions. The proposed dentist practices across the street from Dr. Kallis' office. The Board moved this matter to Executive Session.

The Board denied this request indicating that the monitor must be in the same physical office and be present to sign the prescriptions contemporaneously.

VII. APPEAL TO VACATE SUSPENSION IMPOSED IN THE BOARD'S FINAL ORDER FILED ON OCTOBER 7, 2009:

1. Dr. Vyacheslav Yunatanov - The Board reviewed a letter requesting reconsideration of the penalty imposed by the Board. The Board determined to sustain the Final Order of Discipline filed on October 7, 2009, indicating that no new information was submitted.

The Board requested that his application and renewals be reviewed to determine whether the action was disclosed.

VIII. REQUEST FOR REMOVAL OF DISCIPLINARY ACTION FROM HIS RECORD:

1. Dr. Michael Pasmowitz - The Board reviewed a request from Dr. Pasmowitz for expungement of the disciplinary action on his record. Dr. Pasmowitz paid an advertising penalty in February 2002. The Board directed that Dr. Pasmowitz be advised that the Board does not have the authority to expunge its disciplinary record.

IX. SISTER STATE ACTIONS:

1. Dr. Kenneth J. Weiss - The Board reviewed disciplinary action taken by the Pennsylvania State Board of Dentistry where it assessed a \$1,000 penalty for administering nitrous oxide analgesia without a valid permit to do so. Dr. Weiss holds an active New Jersey license. The Board requested that Dr. Weiss's renewal form be checked to determine whether he disclosed this disciplinary action.

X. COPIES OF FILED ORDERS IN THE MONTH OF NOVEMBER, 2009:

1. Dr. John A. Kirkowski - Consent Order filed on November 12, 2009. The Board took this as informational.
2. Dr. Sygal Harpaz - Final Order of Discipline filed on November 4, 2009. The Board took this as informational.

XI. OTHER MATTERS:

1. The Board reviewed correspondence from Dr. Robert De Rosso concerning designated codes for certain dental procedures. The Board determined that a letter be sent directing him to consult the CDT code book and advising him that he may wish to contact Mary Moskal at NJDA for any assistance she may be able to provide.
2. NERB - The Board reviewed a request for information with regard to the administration of injectable local anesthetic by the dental hygiene candidate during the clinical portion of NERB licensing exam. The Board referred this matter to the regulations committee for a response.
3. The Board reviewed correspondence from the Institute of Medical Emergency Preparedness inviting the Board members to register for Medical Emergency Membership. The Board took this as informational.
4. The Board reviewed information from the Department of Health & Human Services concerning "Botulinum Toxin Safety Warnings." The Board took this as informational. A copy will be forwarded to the regulatory analyst for inclusion in the injectable pharmacologic file.
5. The Board reviewed correspondence from Arthur Meisel, Esq., from the NJDA concerning the Supreme Court of Alabama ruling on tooth whitening. The Board took this as informational.

6. The Board reviewed correspondence from Arthur Meisel, Esq., for the NJDA concerning an adopted revision from the New Jersey Supreme Court to the Rules of Professional Conduct regarding a type of advertising by lawyers. The Board took this as informational.
7. The Board reviewed correspondence from the Academy of Laser Dentistry offering services of member dentists to offer opinions on standards in laser usage. The Board took this as informational.
8. ADA - Vacancies on National Board Test Construction Committees for 2011. The Board took this as informational.

HANDOUT:

1. Submissions from Arthur Meisel, Esq., NJDA and Paul Bent, NJ Dental Hygiene Association concerning areas for Board to consider in its Sunset review of regulations.

PUBLIC COMMENTS:

1. Dr. Barbara Rich - Inquiry as to whether dental hygienists can administer local anesthesia pending receipt of the paper certificate. The Board noted that once the permit number is issued they can administer local anesthesia in accord with the Board rules and regulations.

ADJOURNMENT: