

NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
NEWARK, NEW JERSEY
DECEMBER 2, 2015

NOTE: The Public Session was called to order by President Emil Cappetta, DDS.

ATTENDANCE: The following members were in attendance:

Joseph Battaglia, DMD; Emil Cappetta, DDS; Elizabeth Clemente, DDS;
Peter Clemente, DMD; Nicholas C. DeRobertis, DMD; Steven Goldstein,
DDS; Linda Hecker, RDH; Roger Kriete, DMD; Richard D. Riva, DDS

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

ABSENT/EXCUSED: Jonathan Mangot, DMD; Beverly Kupiec, PhD, RN

I. APPROVAL OF MINUTES: November 18, 2015 - The Board in a motion by Dr. DeRobertis, seconded by Dr. Riva, approved the minutes as amended.

II. COMMITTEE REPORTS:

A. Applications:

1. Dr. Savita Singh - Application for dental license. Dr. Singh's was licensed in 2005 in California and in 2008 in New York. The Board reviewed her scores from the California exam she completed in 2005. The Board in a motion by Dr. Kriete, seconded by Dr. DeRobertis, approved this application.

B. Continuing Education:

1. Golden Dental Solutions - Request for approval of continuing education course. Course includes atraumatic extraction and grafting on live patients at the dental office of Dr. Steven Rasner. During discussion of this matter, the Board requested that the following information be obtained:
 - What kind of procedures will be performed?
 - What provisions are made for emergencies that may arise?
 - How will post-operative complications be managed?
 - Who is responsible for follow-up with the patients?
 - Who will be providing the restorative services?
 - What are the expenses involved?
 - Description of the setting.
 - Will the attendees bring their own patients? How are patients selected?
 - Where will records of treatment be maintained?

III. NOMINATIONS/ELECTIONS FOR VICE-PRESIDENT OF THE BOARD:

The following were the nominations for Vice-President of the Board:

Dr. E. Clemente, seconded by Dr. Battaglia, nominated Dr. Riva
Dr. P. Clemente, seconded by Dr. Battaglia, nominated Dr. DeRobertis
Dr. Battaglia, seconded by Dr. E. Clemente, nominated Dr. Kriete

The Board requested that Robert Campanelli, Ethics Officer, speak to the Board concerning this election. He indicated that a secret ballot is not appropriate. However, it is the Board's discretion to have all three nominees serve on a rotating basis.

The Board determined to have all three nominees serve on a rotating basis alphabetically. (Dr. DeRobertis will serve December-February; Dr. Kriete will serve March-May; Dr. Riva will serve June-August. The vote of the Board was unanimous.

IV. PROPOSED REGULATION:

1. Proposed New Rules: N.J.A.C. 13:30-1A.7 and 2.7 - Rules giving credit towards licensure for veterans with substantially equivalent training, education, and experience. Rachel Glasgow, Legislative Analyst, reported that no comments have been received. The Board in a motion by Dr. DeRobertis, seconded by Dr. Riva, determined to adopt the regulation as proposed. Ms. Hecker was opposed, indicating that there was not sufficient guidance regarding "substantially equivalent" training.

Ms. Glasgow also reported on the following:

- The dental hygiene proposed regulations are scheduled to be published in the New Jersey Register on December 21, 2015.
- Ms. Glasgow also reported that the Division has submitted the LRDA-O proposal for review, and has received feedback/direction that the Board should solicit additional input from other interested parties. The Board generated a list of parties to reach out to: the in-state schools with approved dental assisting and dental hygiene programs, the Academy of General Dentistry, all organized dental specialty groups.

2. Prescription Monitoring Program - Proposed New Rules: N.J.A.C. 13:45A-35. Comments can be submitted by January 15, 2016. The Board took this as informational.

V. FORMAL COMPLAINT AND ANSWER:

1. Dr. Randee L. Gevertz - A Formal Complaint was filed on September 10, 2015. An Answer to the Complaint was filed on October 22, 2015. The Board in a motion by Dr. DeRobertis, seconded by Dr. E. Clemente, determined this to be a contested case and referred it to the Office of Administrative Law for a hearing.

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

1. Dr. Sujithra Rajagopalan - Moved to Executive Session for deliberation. Upon return to public session the Board determined that additional information be obtained.
2. Dr. Madhavi Gottimukkula - Moved to Executive Session for deliberation. Upon return to public session the Board determined that additional information be obtained.
3. Rutgers School of Dental Medicine - Moved to Executive Session for deliberation. Upon return to public session the Board took this report as informational.
4. Dr. Richard E. Malecz (Hand-out) - Moved to Executive Session for deliberation. Upon return to public session the Board determined that additional information be obtained.

VII. REQUEST FOLLOWING DISCIPLINARY ACTION:

1. Dr. Robert Carter - Application for enteral sedation permit. Dr. Carter had to cease and desist from sedation dentistry as per the Board's Consent Order filed on September 25, 1996. Dr. Carter was present along with Patricia Atkins, Esq. Dr. Carter took a number of courses in sedation over the last twenty years, however, the Board's enteral sedation Regulation is very specific on the requirements that must be met: a forty hour course approved by the Board. Dr. Carter has not met this requirement. The Board determined that Dr. Carter must take the forty hour required course in order to qualify for an enteral sedation permit. Dr. Riva and Dr. DeRobertis were opposed.
2. Dr. Jeffrey Aron - Request for reinstatement and the requirement to complete a skills assessment. Moved to Executive Session for deliberation. The Board had previously determined that Dr. Aron must complete a skills assessment through either the D-PREP or Oral Health Enrichment in Ohio, or complete a bench test administered by the CDCA. Dr. Aron is requesting reconsideration of this matter and is requesting approval of a 16 credit remediation program given at Rutgers Dental School. After discussing this matter, the Board denied his request and sustained the assessment at the locations previously identified. The Board also indicated that he may also enroll in and complete the ten month course at New York University.

VIII. ORDERS/OFFER OF SETTLEMENTS FILED WITH THE BOARD:

The Board took the following as informational:

1. Jaime Tonczyczyn, RDA - Interim Consent Order filed on November 4, 2015.
2. Dr. Gary Brousell - Consent Order filed on November 20, 2015.
3. Dr. Robert Karasek - Consent Order of Voluntary Surrender of Licensure filed on November 20, 2015.

IX. OTHER MATTERS:

1. Correspondence from Dr. Edward Poller concerning requirements for enteral sedation permit. He is questioning what are the specific required contents of the emergency medical kit, what if any, are the AED requirements for the office, what are the “land line” requirements for the operatory in which the sedation will be conducted. The Board determined that Dr. Poller be advised that the current regulations do not address this, however, it is the standard of care that all emergency kits include all that is necessary to handle any dental/medical emergencies. The regulations do not specify that a “landline” must be installed in an operatory.
2. Correspondence from Dr. Lee A. Ecker concerning an in-office dental plan for patients without dental insurance. The Board noted that the regulations do not address this, it is not considered insurance. The Board regulations require that discounts are available to all patients, regardless of insurance status.
3. CODA - “Talking Points on Resolutions Submitted to 2015 ADA House of Delegates.” The Board took this as informational.
4. Request from Bill O’Neill, Director, Outreach and Communications, the Center for Personalized Education for Physicians, to speak to the Board about new programs available from CPEP. The Board took this as informational.
5. Article entitled “Geico sues dental practice with offices in Clifton and Elmwood Park.” The Board took this as informational.

X. HAND-OUT:

1. AADB - The AADB is looking for candidates for appointments to External Organizations. The Board took this as informational.

2. Inquiry from Dr. August Pellegrini in follow-up to his previous requests regarding the ability of physicians to oversee dental students. *Note: Dr. Cappetta is recused on discussion of this matter as he holds a faculty position at Rutgers Dental School.* The Board has previously referred Dr. Pellegrini to N.J.S.A. 45:6-19.3, which requires that students be supervised by a licensed dentist. The Board discussed the request and declines to change its previous position.
3. Arthur Meisel, Esq. from the New Jersey Dental Association questioned whether a dentist could write a prescription for physical therapy for temporomandibular joint issues. The Board indicated that this is within the scope practice of a dentist.

XI. APPEARANCES:

1. Dr. Sawsan Morris Sami Philibs - Appearance concerning an application for reinstatement of her New Jersey dental license.

Dr. Philibs was present to provide the Board with information concerning reinstatement of her dental license.

At the conclusion of her testimony and questions from the Board the inquiry was ended. The Board moved to Executive Session for deliberation.

Upon return to public session, the Board determined additional information was necessary prior to decision on reinstatement.

XII. ADJOURNMENT: The Board adjourned the Public Session and moved to Executive Session for advice of counsel and review of open matters (investigations and deliberations). When and if action is taken, it will be reported in Public Session.