

**NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
BOARD OFFICE
NEWARK, NEW JERSEY DECEMBER 3, 2003**

ATTENDANCE:

The following members were in attendance: Dr. Emil Cappetta,, Patricia Delaney, RDH, Dr. Herbert Dolinsky, Dr. Alexander Hall, Mrs. Helen Huber, Dr. John Ricciani, Dr. Barbara Rich, Dr. Arnold Rosenheck.

OTHER ATTENDEES:

Deputy Attorneys General, Nancy Costello Miller and Joseph Donofrio, Kevin B. Earle, Executive Director, Terri Goldberg, Assistant to the Executive Director, Michael Dominach, Paralegal, Cecilia Moreira, Senior Management Assistant.

ABSENT AND/OR EXCUSED:

Mr. Louis Cardenas, Dr. Sally-Jo Placa

NOTE: PUBLIC SESSION AGENDA COMMENCED AT 10:00 A.M.

A. EXECUTIVE DIRECTOR'S REPORT:

1. New Jersey Dental Association - The Board reviewed a request for approval of a course to provide seven hours of didactic training for auxiliaries in order to monitor nitrous oxide. The Board in a motion by Ms. Delaney, seconded by Dr. Rich, approved this course.
2. Paul J. Condello, DMD/Jersey Shore Medical Center - The Board reviewed a request for approval of a course to provide seven hours of didactic training for auxiliaries in order to monitor nitrous oxide. The Board in a motion by Ms. Delaney, seconded by Dr. Dolinsky, approved this course.

B. COMMITTEE REPORTS:

Dental Application:

1. Dr. Maria Melendez - Application for a New Jersey dental license. Dr. Melendez graduated from the University of Puerto Rico and has been practicing in New York. The committee requests that the transcripts from the University of Puerto Rico be obtained along with the scores of the clinical exam.

Dental Hygiene Application:

1. Linda Daley - Application for a dental hygiene license by credentials. Ms. Daley meets all requirements for licensure. The committee recommends approval.

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

Continuing Education Committee:

1. The Board in a motion by Ms. Delaney, seconded by Dr. Rich, approved the continuing education committee report on requests for pre-approval of continuing education courses.
2. The committee reported on the criteria for assessing continuing education course approval. The Board in a motion by Ms. Delaney, seconded by Mrs. Huber, approved the committee's recommendation. A copy will be made available to all board members and will be included with all requests for course approval.

The Board indicated that a fee should be charged for approval of a continuing education course. This matter will be referred to the Regulations committee.

3. The Board reviewed a letter from UMDNJ concerning a course which was approved by the Board for dental auxiliaries but denied for dentists. The Board in a motion by Dr. Rich, seconded by Dr. Hall, sustained its previous decision. The Board referred to the Board's regulation which indicates that the course must be given by a qualified instructor. The CV of the course instructor does not reflect special expertise in the topic.

4. Dr. Michael Yasner - The Board reviewed his request for reconsideration of a course which was approved for two credits (1 hour for implants and 1 hour of practice management). The Board sustained its original decision.

C. SECRETARY'S REPORT:

The Board in a motion by Dr. Rosenheck, seconded by Dr. Huber, approved the list of applicants for licensure.

D. APPEARANCES:

11:00 A.M. - Dr. David J. Garbolino - Appearance concerning request for reinstatement of the New Jersey dental license.

This matter was moved to Executive Session.

The Board in a motion by Dr. Cappetta, seconded by Mrs. Huber, following consideration of testimony and reports submitted, determined to reinstate Dr. Garbolino's dental license with the following restrictions:

- Urine monitoring two times per week
- Attendance at AA four times per week
- Continued participation in the Chemical Dependency Program
- Continued counseling with submission of quarterly reports.
- Must maintain a CDS log for any drugs dispensed and submit quarterly reports to the Board.
- The Board suggests that he have a monitor in the office and suggests that he maintain a positive pressure oxygen delivery tank.

E. INCIDENT REPORTS:

The Board reviewed an incident submitted by the following:

1. Jerome Silverstein, DDS (UMDNJ)

The Board took this as informational.

F. REPORT FOLLOWING DISCIPLINARY ACTION:

1. Philip G. Schrage, DDS - Dr. Rosenheck was recused. The Board reviewed a report of participation in the ProBe program as required by the Board's Order. This report was taken as informational.

G. GENERAL CORRESPONDENCE:

1. David Hochstein, DMD - The Board reviewed a letter concerning a new business venture "Teeth Whitening Center". The Board in a motion by Dr. Dolinsky, seconded by Mrs. Huber, determined that this appears to be a dental office and must meet all requirements for a dental office. The Board noted that Dr. Hochstein does not mention any provisions for taking x-rays. A dental exam involves the taking of x-rays. He is also to be referred to the delegable duties for dental auxiliaries. Mr. Meisel from NJDA requested that

a copy of the Board's response to Dr. Hochstein be provided to him.

2. Yongkum Kim, DMD - The Board reviewed a letter questioning whether he can practice periodontics as an independent contractor in New Jersey. He indicates that his remuneration is based on his production from practicing periodontics. He receives an arranged percentage of his production income. The Board in a motion by Ms. Delaney, seconded by Dr. Rich, referred this matter to the regulations committee to establish a standard to clarify this issue. A letter will be sent to Dr. Kim advising him that at this time fees may only be split among associates (fellow shareholders or employees). He should also review the Department of Labor and IRS regulations which define "independent contractor" status.

3. Mario G. Romano, Esq. - The Board reviewed a letter questioning whether the name of a deceased dentist can remain on a sign and stationery next to the new dentist who purchased the practice. The Board indicated that N.J.A.C. 13:30-8.19 indicates that the name can be maintained for a period of six months or by designating dates of affiliation.

4. Richard P. Szumita, DDS - The Board reviewed a letter requesting guidance on the proper handling of extracted teeth. The Board indicated that the extracted teeth are considered regulated medical waste and he must follow OSHA regulations. Extracted teeth can be given to the patient if requested.

5. ADA - The Board reviewed Information concerning "Vacancies on National Board Test Construction Committees". Dr. Rosenheck's name will be submitted for consideration.

6. DANB - The Board reviewed a report of major actions of and project updates discussed by the DANB Board of Directors. The Board took this as informational.

7. Dental Arts of Freehold, LLC - (Not on the agenda) - The Board reviewed a letter questioning what duties can be performed by the dentist and the hygienist with a ZOOM bleaching system. This office submitted a list of duties in question. The dental auxiliaries committee prepared a response to be submitted.

ADJOURNMENT: