

**NEW JERSEY STATE BOARD OF DENTISTRY**  
**PUBLIC SESSION MINUTES**  
**NEWARK, NEW JERSEY**  
**DECEMBER 3, 2014**

NOTE: The Public Session was called to order at 10:00 A.M. by President, Shirley Birenz, RDH, MS

ATTENDANCE: The following members were in attendance:

Joseph Battaglia, DMD; Shirley Birenz, RDH, MS; Emil Cappetta, DDS;  
Elizabeth Clemente, DDS; Peter Clemente, DMD; Nicholas C. DeRobertis,  
DMD; Herbert Dolinsky, DDS; Steven Goldstein, DDS; Roger Kriete, DMD;  
Beverly Kupiec, PhD, RN; Richard D. Riva, DDS

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

**I. APPROVAL OF MINUTES:** November 19, 2014 - Approved as amended.

**II. COMMITTEE REPORTS:**

**1. Continuing Education:**

The Board approved the continuing education committee report.

**III. New Jersey Dental Association** - Petition for Rulemaking concerning the ownership and management of dental practices. The Board heard a report that the petitioner, Arthur Meisel, Esq., has consented to an additional extension of time until February 2015 to allow additional time for conversations between the NJDA and representatives of dental service organizations.

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

1. Rutgers School of Dental Medicine(2 reports) - The Board moved one report to Executive Session and took the other as informational.
2. Dr. Warren M. Torchinsky - The Board took this as informational.
3. Dr. John O'Brien - The Board took this as informational.

**V. REQUESTS FROM THE PROFESSIONAL ASSISTANCE PROGRAM  
FOLLOWING BOARD ORDER:**

1. Dr. Lawrence Gardner - The Board reviewed a request from the Professional Assistance Program for consideration in removing all restrictions in Dr. Gardner's Consent Order filed on February 22, 2012. The Board moved this matter to Executive Session for deliberation.  
Upon return to public session, the Board in a motion by Dr. Riva, seconded by Dr. DeRobertis, determined to remove the restrictions placed on Dr. Gardner's license. An Order Removing Restrictions will be filed.

2. Dr. Walter Bilotta - The Board reviewed a request from the Professional Assistance Program for consideration in removing all restrictions in Dr. Bilotta's Consent Order of Reinstatement filed on April 4, 2012. The Board moved this matter to Executive Session for deliberation.

Upon return to public session, the Board in a motion by Dr. Riva, seconded by Dr. DeRobertis, determined to ask the PAP for additional information. After received, the Board will consider removing the restrictions placed on Dr. Bilotta's license. An Order Removing Restrictions will be filed.

#### **VI. ORDERS FILED BY THE BOARD:**

The Board took the following orders as informational:

1. Dr. Ira S. Port - Consent Order filed on November 5, 2014.
2. Dr. Joseph Reed - Amended Consent Order filed on November 5, 2014.
3. Dr. Avi Weisfogel - Consent Order filed on November 13, 2014.

#### **VII. OTHER MATTERS:**

1. The Board reviewed an inquiry from Louise McCarthy requesting clarification with regard to dental hygienists providing dental screenings for individuals of all ages with developmental disabilities in connection with an Arc Gloucester/Delta Dental Grant Proposal. The Board discussed the information presented, and acknowledged the good intentions to expand the access to care. However, the scope of practice, including locations where services may be provided, is set by statute. Unless the screening is being conducted at a school or institution under the general supervision of a dentist, a dentist must be physically present at the event to supervise hygienists providing the screenings.
2. Inquiry from Daia C. Hatchett-Jackson, Ed.D., from Ohio State University, Office of Distance Education and eLearning, concerning their programs in:
  - Master in Dental Hygiene
  - BS, Degree completion in Dental HygieneThe Board noted that current regulations require the completion of a CODA approved program in dental hygiene.

#### **VIII. PUBLIC COMMENT:**

1. Arthur Meisel, Esq. - Inquiry about whether a registered dental assistant can take a 3-D digital scan? The Board determined that current regulations would preclude an RDA from taking this scan.

**IX. 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.