

**NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
BOARD OFFICE
NEWARK, NEW JERSEY DECEMBER 5, 2007**

ATTENDANCE: The following members were in attendance: Patricia Delaney, RDH, Ed.M; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Alexander Hall, DMD; Ms. Karen Golding; John Ricciani, DMD

OTHER ATTENDEES: Deputy Attorneys General Nancy Costello Miller and Joseph Donofrio; Cecilia Moreira, Senior Management Assistant; Michael Dominach, Paralegal.

ABSENT AND/OR EXCUSED: Emil Cappetta, DDS; Ms. Belinda Caraballo; Beverly Kupiec, RN, Ph.D.; Sally-Jo Placa, DMD; Arnold Rosenheck, DMD

I. APPROVAL OF MINUTES: November 7, 2007 - Approved as amended.

II COMMITTEE REPORTS:

1. Credentials:

Dental:

- Dr. Kushani - The Board discussed his request for a New Jersey dental license. Dr. Kushani took WREB and hasn't practiced in a single state for at least five years. Between 2005 and 2007 he was in a specialty program. The Board referred this matter to the NERB committee for review and report to the full Board at the January 2, 2008 meeting.

- Dr. Andrew Young - The Board reviewed his request for a New Jersey dental license by credentials. Dr. Young does not qualify for licensure because he has not practiced in a single state for at least five years. Dr. Young was also requesting clarification with regard to being allowed to work on patients under a Limited Teaching Certificate. The Board stated that he can perform clinical dentistry as part of his duties as an instructor. He cannot have a faculty practice.

Dental Auxiliaries:

- Lateefah Fuqua - The Board discussed correspondence from Ms. Fuqua, who is currently incarcerated, indicating that she would like to be certified as a dental assistant and is questioning whether her conviction would prohibit her from obtaining licensure. The Board commends individuals attempting to rehabilitate themselves and determined that Ms. Fuqua be advised that every application is evaluated on an individual basis. A copy of the Board's statutes and regulations will also be provided to Ms. Fuqua.

- Tiffany Embry - The Board reviewed an application for a dental hygiene license. Ms. Embry meets the requirements for licensure. The committee recommends approval.

- Jessica Ferro - The Board reviewed an application for registration as a registered dental assistant. Ms. Ferro meets the requirements for licensure. The committee recommends approval.

- Patricia Eccleston - The Board reviewed an application for registration as a registered dental assistant. Ms. Eccleston meets the requirements for licensure. The committee recommends approval.

- Vicky Cruz - The Board reviewed an application for registration as a registered dental assistant. Ms. Cruz meets the requirements for licensure. The committee recommends approval.

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

Continuing Education:

The committee recommends approval of eleven continuing education courses. The Board in a motion by Ms. Delaney, seconded by Dr. Hall, approved the committee's recommendations.

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

1. Jason S. Hullett, DMD - The Board took this report as informational.
2. Kayvon Haghghi, DDS, MD - The Board determined that Dr. Haghghi be advised that in the future he should submit information on the Board's incident report must be used to report an incident. Also the Board determined that Dr. Haghghi be advised that the use of bendiozapens in small children, although appropriate, may cause adverse reactions.
3. UMDNJ - University Hospital - The Board took this report as informational.

IV. PROOF OF COMPLETION OF THE PROBE COURSE:

1. Charles Zebe, Jr, DMD - This matter was moved to Executive Session.

V. OTHER MATTERS:

1. Tracey Hrymoc, RDH - The Board reviewed a request for extension to complete the continuing education credits required for licensure renewal. The Board approved her request for extension until January 30, 2008 to complete the final six credits of continuing education for licensure renewal. With regard to her question as to whether she can renew her license online before December 31st in order to avoid the fee, the Board determined that she be advised that she may renew online.
2. Michael Gelfman, DDS - The Board discussed Dr. Gelfman's request for a refund of the \$490 for licensure renewal and is requesting that he be granted a residency permit for the next eight months. After discussing this matter, the Board in a motion by Dr. Dolinsky, seconded by Ms. Delaney, denied Dr. Gelfman's request.
3. Dr. Paul Gilbert - The Board discussed Dr. Gilbert's correspondence questioning the Board's position concerning fabrication per a patient's request, of a unilateral lower partial denture (with clasps) to replace a single lower missing premolar. The Board determined that Dr. Gilbert be advised that the Board will not comment on the specific question but notes all treatment options should be discussed with the patients. Practitioners must exercise their professional judgment.
4. The Board reviewed correspondence from Douglas G. Sanborn, Esq., from Delta Dental requesting interpretation of its regulation relating to "closely allied health professionals." Arthur Meisel, Esq. from New Jersey Dental Association, who was copied on Mr. Sanborn's letter, offered background information. The Board responded to Ms. Sanborn's questions as follows:
 - A. Whether a dentist may be employed by and perform services for an entity which is owned in part by a non-dentist so long as the dentist complies with N.J.A.C. 13:30-8.13(b). The Board noted that the rule permits dentists to engage in a practice format with closely allied health professional.
 - B. Whether a dentist may be employed by and perform services for an entity where none of the owners are dentists. The Board's regulation N.J.A.C. 13:30-8.13(c) requires that there is at least one licensed dentist, and that a dentist may not be supervised and evaluated by a professional who is not a dentist.
 - C. Whether the provisions of 8.13(d) and (e) apply to compensation arrangements within the "permissible business format" with which the Dentist is affiliated (e.g. whether a Dentist can agree to pay a percentage of his dental services revenue to non-dentists in the "permissible business format"). The Board's regulation

precludes paying a percentage or fixed amount of income or receipts to persons other than an associate as that term is defined at N.J.A.C. 13:30-8.13(a). If a non dentist is not an associate, he or she could not receive compensation based on a percentage of income.

4. (Not on the agenda) - Discussion concerning the bill requiring registration for dental consultants. Mr. Sanborn stated that this bill was released on Monday and passed the Assembly with no changes. The Board noted that Mr. Sanborn had not responded to the Board's suggestion that the consultant be a non-voting member of the Board. The Board also questioned whether its comments and objections to the bill had been adequately conveyed to the Legislature.

(Not on the agenda) - Discussion concerning the Limited Teaching Certificate bill. This bill was released from committee on Monday. The NJDA supports this bill indicating discretion over who would be granted a certificate would still remain with the Board. Dr. Feinberg noted her disappointment that NJDA supported this bill. Dr. Feinberg indicates that this bill provides that schools are deemed Board approved if they are in the United States, even if not CODA approved school.

5. Dr. Barry Jason - The Board reviewed additional information provided by Dr. Jason concerning the wording being used for his 60 second radio advertisement. The Board determined that Dr. Jason be advised that letterhead is a form of advertising. The Board requests that he make the appropriate changes and provide the Board with the revised letterhead.

6. ADA - The Board reviewed information concerning vacancies on National Board test construction committees for 2009. The Board thanks ADA for the offer, however, at this time no member is available for this position.

ADDENDUM TO THE AGENDA:

1. Donna Bree, RDH - The Board discussed correspondence from Ms. Bree requesting approval of the continuing education courses taken to date for the renewal of her dental hygiene license. After discussing this matter, the Board approved the credits for renewal of her license.

2. Dr. David J. Snyder - The Board reviewed a request for approval of a Certified Public Accountant to do the audit required by the Board's Consent Order. The Board requested that Dr. Snyder provide this individual's familiarity with dental procedures and codes in order to conduct this audit.

3. The Board discussed an inquiry from the Academy of General Dentistry questioning whether the Board has any regulations regarding teeth bleaching or whitening when done in beauty salons and/or at local malls. The Board determined that AGD be advised that teeth bleaching is the practice of dentistry and must be performed by a dentist. Such procedure should be done in a facility with appropriate dental equipment, including but not limited to equipment necessary for examination, sterilization, treatment, etc.

VI. APPEARANCES:

4. 11:00 A.M. - Dr. Alfred Sabato - Application for reinstatement of his dental license which was suspended by the Board on October 1, 2007.

The Board moved this matter to Executive Session. No decision was made on the application.

5. 11:30 A.M. - Sandra A. Tamilio - Appearance concerning information disclosed on her dental hygiene application.

At the conclusion of Ms. Tamilio's testimony and questions from the Board, a motion was made by Ms. Golding, seconded by Dr. Ricciani, to grant Ms. Tamilio a license to practice dental hygiene.

6. 1:30 P.M. - Dr. Patrick Quaranta - Application for reinstatement of his dental license which was

Voluntarily Surrendered on March 21, 2007.

The Board moved this matter to Executive Session.

After discussion, a committee of the Board (quorum not present) determined to grant Dr. Quaranta's application for reinstatement with restrictions. The committee authorized staff to contact other non-recused Board members for approval so license may be issued, such vote to be ratified at the Board's next public meeting.

ADJOURNMENT: