

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE
NEWARK, NEW JERSEY

DECEMBER 5, 2012

NOTE: The Public Session meeting was called to order at 10:00 A.M.

ATTENDANCE: The following members were in attendance:
Emil Cappetta, DMD; Lydia David, DMD; Herbert Dolinsky, DDS;
Nicholas C. DeRobertis, DMD; Peter DeSciscio, DMD; Maxine
Feinberg, DDS; Roger M. Kriete, DMD; Beverly Kupiec, RN, PhD;
Richard D. Riva, DDS

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

ABSENT AND/OR EXCUSED: Shirley Birenz, RDH; Mr. Steven Brisgel;
Sheila Dashkow, DDS

I. APPROVAL OF MINUTES: November 14, 2012 - Approved as amended.

II. COMMITTEE REPORTS:

1. Applications

- Dr. Rebecca Bockow - Application for a dental license. Request for a waiver because she has been licensed and actively practicing since 2007; however all of her practice has not been in one state. Upon legal counsel, the Board cannot waive a statute, only a regulation - the requirement is in N.J.S.A. 45:6-6. She must either take and pass the NERB, or complete five years in one state.

NOTE: The Board requested that the Board's counsel review the statutes to determine whether the statute may be interpreted to permit a Residency program taken in a different jurisdiction to be included in the five year requirement.

- Dr. Shilvi Shah - Application for a dental license. Dr. Shah completed the CITA exam in 2006, and has been practicing since 2009 in Massachusetts. The Board denied her application at this time because she does not have the five years of practice in one state.

NOTE: The Board also requested that information be obtained from CITA about the qualifications for their clinical exam in 2006, and currently what are the components of each section? Do they have a diagnostic simulated computer component?

- Dr. Melissa Kyriakakis - Application for a dental license. Dr. Kyriakakis completed the Florida-only exam that was administered by NERB in 2007. It does not appear that Dr. Kyriakakis has practiced in one state for more than five years. The Board will inquire about the composition of the Florida-only exam to determine whether Dr. Kyriakakis may qualify under an application for initial license.

The Board reviewed information supplied by Ellis Hall from NERB. NERB considers the Florida exam given June 1, 2011 and after to be the same as the NERB/ADEX examination. NERB considers the Florida exam given between November 1, 2008 to June 1, 2011 to be equivalent to but not identical to the NERB/ADEX exam. Exams prior to that date are not considered similar by NERB.

NOTE: The Board chair directed that the regulations committee examine the licensing requirements to determine if any changes/updates are appropriate given the current environment for testing and the mobility of professionals in the twenty-first century.

- Dr. Foujan Maghsoudi (Handout) - Request for reinstatement of her dental license. Her New Jersey license expired in 2003, but she has been actively practicing in New York. On November 14, 2012, the Board determined that Dr. Maghsoudi must take and pass the DSCE part of the NERB, provide proof of 80 hours of continuing education, and pay the back fees to reinstate. Dr. Maghsoudi submitted an appeal of the decision, and provided copies of the Board's public minutes where individuals in similar situations were granted a license by the Board without taking the initial licensing examination.

The Board in a motion by Dr. Feinberg, seconded by Dr. DeRobertis, determined to assess her application as an application for initial licensure by credentials. Dr. Madhsoudi must provide copies of the proof of completing 80 hours of continuing education in the last four years, pay the reinstatement fee, the current fee, and pass the JP Exam.

2. **Continuing Education:**

No applications reviewed.

III. **PROPOSED LEGISLATION:**

1. A-3062 - Requires dental plans to make out-of-network payments based on the assignment of benefits. The Board in a motion by Dr. Feinberg, seconded by Dr. DeRobertis, supports this legislation.

IV. ADMINISTRATIVE COMPLAINT AND ANSWER:

1. Dr. Anthony J. Mancino - The Board filed an administrative complaint from the Attorney General, and a notice of hearing and notice to file answer on June 26, 2012 against Dr. Mancino. On July 24, 2012, the Board received an Answer, Separate Defenses and Designation of Trial Counsel, through Dr. Mancino's counsel, Stephen Schechner, Esq.

After reviewing the complaint and answer, the Board deemed this matter a "contested case," and will contact the parties to ask how many witnesses and days of trial they anticipate to hear the matter. The Board will then determine whether to retain jurisdiction or to refer the matter to the Office of Administrative Law.

V. REQUESTS/INFORMATION FOLLOWING DISCIPLINARY ACTIONS

1. Dr. Michael K. Jefferson - Request for an extension to complete deficient continuing education credits. Dr. Jefferson signed an agreement in September 2010 to complete eighty-six credits of continuing education. On October 15, 2012, Dr. Jefferson requested an extension. The Board determined to schedule Dr. Jefferson for an investigative inquiry.
2. Dr. Adam Helfand - The Board reviewed a report from Stephen S. Craig, Ph.D., as required by the Board's Consent Order filed on March 21, 2012. This matter was moved to Executive Session for deliberation and advice of counsel. The Board returned to public session and determined to take this report as informational.
3. Dr. Lawrence Gardner - The Board reviewed reports from the Professional Assistance Program and Dr. Gardner's therapist as required by the Board's Consent Order Reinstating License with Restrictions filed on February 22, 2012. The therapist is recommending that Dr. Gardner discontinue psychotherapy. This matter was moved to Executive Session for deliberation and advice of counsel. The Board returned to public session and determined to end the requirement to continue psychotherapy, but Dr. Gardner must continue with PAPNJ.
4. Dr. Ralph Famiglietti - The Board reviewed a report concerning Dr. Famiglietti's participation in the PRIME ethics course as required by Board consent order filed on April 4, 2012. This matter was moved to Executive Session for deliberation and advice of counsel.
5. Dr. Alan Schwartz - The Board reviewed additional information from the Professional Assistance Program in follow-up to Dr. Schwartz's request for reinstatement of his license following a Consent Order of Voluntary Surrender of Licensure filed on May 20, 2011. This matter was move to Executive Session for deliberation and advice of

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

1. UMDNJ - New Jersey dental school (3 reports) - All three reports were taken as informational.
2. Dr. Norachi Phisuthikul - This was received as informational.
3. Jersey Shore University Medical Center - This was received as informational.
4. Dr. Srilaskshmi Angara - This was received as informational.
5. Dr. Condra G. Gaines-Oniwinde & Dr. Benjamin Pomeranc - This was received as informational.

VII. ORDERS/SETTLEMENT LETTERS FILED WITH THE BOARD:

1. Dr. Robert A. Pollara - Consent Order filed on October 17, 2012. This was received as informational.
2. Dr. Charmen W. Douglas - Settlement Letter filed on November 2, 2012. This was received as informational.
3. Jairo Echavarria (Unlicensed) - Settlement Letter on November 19, 2012. This was received as informational.

VIII: HANDOUTS:

1. Letter from August Pellegrini, D.D.S., UMDNJ Dental School - Dr. Pellegrini requests the Board's direction regarding what requirements exist, if any, that the dental school clinics notify their patients of record because of the pending changes to the structure of UMDNJ and the Dental School.
The Board felt that the public has been kept advised, and will continue to have ample opportunity to hear of the changes as they are made. The Board will not require the dental school to provide additional notification to its patients of record.
2. Letter dated November 21, 2012 from the American Academy of Sleep Medicine and the American Academy of Dental Sleep Medicine - These organizations provided the Board with a joint policy statement on the diagnosis and treatment of obstructive sleep apnea. This was received as informational.

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.