

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE
NEWARK, NEW JERSEY

FEBRUARY 3, 2010

ATTENDANCE: The following members were in attendance:
Shirley Birenz, RDH; Steven Brisgel; Sheila Dashkow, DMD; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Alexander Hall, DMD; John Ricciani, DMD; Arnold Rosenheck, DMD

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

ABSENT AND/OR EXCUSED: Emil Cappetta, DDS; Maxine Feinberg, DDS; Beverly Kupiec, RN, Ph.D.

NOTE: The Public Session Agenda was called to order at 10:15 A.M. by Vice-President of the Board, Dr. John Ricciani.

I. APPROVAL OF MINUTES: January 6, 2010 - Dr. Rosenheck, seconded by Dr. Dashkow, approved the minutes as amended.

Dr. Riccianni and Dr. DeSciscio were sworn in as Board members after being re-appointed by Governor Corzine.

II. EXECUTIVE DIRECTOR'S REPORT

A. On January 19, 2010, Governor Corzine appointed Brian Bauerle to the vacant public member seat. Mr. Bauerle had a previous engagement today, but will be sworn in at the next meeting.

B. In January 2010, the Board received 159 applications and issued 154 licenses or permits.

C. The Board reviewed a "New law to protect vulnerable seniors" press release from NJ Foundation for Aging. This was taken as informational.

III. COMMITTEE REPORTS

Credentials:

Dental Auxiliaries:

A. Nicola Curry (RDA) - Application for registration as a dental assistant. The committee recommends approval.

- B. Tina Ratkowiak (RDA) - Application for a registration as a dental assistant. The committee recommended that a letter be sent to her advising that she be truthful in responses to questions.
- C. Patricia Bocage (RDH local anesthesia) - Completed a course in 2001 from a CODA approved school, and passed the WREB exam in local anesthesia. The course and exam are slightly different - more hours, but fewer clinical administrations. She is asking to challenge the NERB course rather than complete a Board approved course.

The Board in a motion by Ms. Birenz, seconded by Dr. Rosenheck, approved the course, as the course required more than the total number of injections required by the Board's regulations, but she has to take and pass the NERB exam in local anesthesia. Staff shall send letter identifying which nerve blocks are permitted.

Dental:

- A. Dr. Jerome Simon - Application for a New Jersey dental license along with the explanation concerning the two Databank reports. The committee recommends approval.

Continuing Education:

The committee recommended approval of nine courses and denied six.

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

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

1. UMDNJ - New Jersey Dental School - The Board took this as informational.
2. Dr. Joel H. Fields - The Board took this as informational.
3. Dr. Stephen R. Cohen - The Board took this as informational.
4. Dr. John R. Kukucka, Jr. - The Board took this as informational. He will be advised that future correspondence to the Board must be typed.
5. Dr. John O'Brien - The Board took this as informational. He will be advised that future correspondence to the Board must be typed.
6. Dr. Marnie L. Sperling - This matter was moved to executive session for deliberation and advice of counsel. The Board determined that additional information be obtained.

V. REQUEST FOR MODIFICATION TO THE BOARD'S FILED ORDERS

1. Christine Tunncliffe, RDH - The Board reviewed correspondence from the Professional Assistance Program requesting reduction in urine monitoring from once per week to twice per month. The Board in a motion by Dr. Hall, seconded by Dr. Rosenheck, approved this request.
2. Dr. John Leonard - The Board reviewed correspondence from the Professional Assistance Program requesting termination of the Board's Consent Order . Dr. Leonard has documented 3 ½ years of recovery. The Board accepted the PAP's recommendations.
3. Dr. Robert Malfara - The Board reviewed correspondence from the Professional Assistance Program requesting to vacate the terms of the public action. The Board accepted the PAP's recommendations.
4. Dr. Victor P. Terranova - The Board reviewed a request for removal of the restrictions placed on his license. The Board determined to remove the restrictions on practice listed in the Consent Order of October 2008.
5. Dr. John J. Fitzpatrick - The Board reviewed a request to be relieved of the monitoring conditions. The Board agreed with the PAP's recommendation.

VI. SISTER STATE ACTIONS

1. Dr. Nelly Barreto - The Board reviewed disciplinary action taken by the State of Colorado. This was taken as informational.
2. Dr. Elizabeth Archer - The Board reviewed disciplinary action taken by the State of Maine. This was taken as informational.

Additional information requested:

1. Dr. John Raymond Lynch - The Board reviewed additional information with regard to Florida's disciplinary action. He voluntarily surrendered his license for failing to complete his continuing education. This was taken as informational.
2. Kasey McWain, RDH - The Board reviewed additional information with regard to the disciplinary action taken by the Ohio Board of Dentistry. She failed to renew her license in Ohio. This was taken as informational.

3. Dr. Semyon Roytberg - The Board reviewed proof of his continuing education credits. It appears that he has completed enough to fulfill the Board's requirements. This was received as informational.

VII. ADDITIONAL INFORMATION FOLLOWING HIS APPEARANCE BEFORE THE BOARD CONCERNING REINSTATEMENT OF LICENSE

1. Dr. Judd Garson - The Board reviewed a request to reinstate his license to inactive status. This matter was moved to executive session. The Board determined that an Order be drafted allowing Dr. Garson to renew his license inactive but must comply with the certain conditions when he activates.

VIII. RESPONSE TO PROVISIONAL ORDER OF DISCIPLINE

1. Dr. Alex Silman - Response to the Provisional Order of Discipline. This was moved to executive session for deliberation. The Board determined to finalize the POD as written.

IX. COPIES OF ORDERS FILED WITH THE BOARD

The following were taken as informational:

1. Monica M. Reinoso (Unlicensed) - Offer of Settlement in Lieu of Formal Action.
2. Libia F. Marcos (Unlicensed) - Offer of Settlement in Lieu of Formal Action.
3. Alvin McGee (Unlicensed) - Offer of Settlement in Lieu of Formal Action.
4. Fran Pali (Unlicensed) - Offer of Settlement in Lieu of Formal Action.
5. Dr. James J. Tenbrook - Consent Order filed on January 6, 2010.
6. Dr. Gary Schneiderman - Order filed on January 6, 2010.

X. COPY OF COMPLAINT FILED WITH THE BOARD

1. Dr. Marc Weber - Notice of Hearing and Administrative Complaint and Notice to File Answer. This was informational.

XI. OTHER MATTERS

1. The Board reviewed additional information from Dr. Ben Peck with regard to the free dental clinic they are opening. Follow up from the January 6, 2010 meeting. The Board noted that all regulations must be followed (13:30-4.3) . The Board will send the regulations and a dental clinic application.
2. The Board reviewed additional information from Carolyn Breen, Department of Allied Dental Education at UMDNJ, regarding the feasibility of some of the graduates to qualify for licensure through an alternate route via a Certificate in Dental Hygiene rather than through the current joint AAS degree from the University and a county college affiliate. The Board in a motion by Dr. Dolinsky, seconded by Dr. Rosenheck, requested that Dr. Breen provide proof of accreditation from CODA, or a statement that CODA has reviewed the program and made recommendations regarding the program.

3. The Board reviewed an inquiry from Dr. Lawrence Lizzack concerning, NOMAD, portable x-ray machine. The Department of Environmental Protection regulates x-ray machines, including NOMAD. He must comply with DEP regulations. Dr. Lizzack will be provided with contact information for the Department of Environmental Protection.
4. The Board reviewed correspondence from Michael Zahabian concerning a new business in teeth whitening. Teeth whitening is considered the practice of dentistry, which must be performed a licensed dentist. Additionally, hygienists must be working under the direct supervision of a licensed dentist.
5. The Board reviewed correspondence from Dr. Abraham J. Kadish concerning advertisements by South Beach Tanning for “teeth whitening.” The Board asked that this be included with other facilities offering these services.

XII. ADJOURNMENT - 11:35 AM