

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE
NEWARK, NEW JERSEY

MARCH 3, 2010

8:00 A.M. - Complaint Review Committees

ATTENDANCE: The following members were in attendance:
Shirley Birenz, RDH; Steven Brisgel; Emil Cappetta, DDS; Sheila Dashkow, DMD; Lydia David, DDS; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Alexander Hall, DMD; Arnold Rosenheck, DMD

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

ABSENT AND/OR EXCUSED: John Ricciani, DMD; Beverly Kupiec, RN, Ph.D.

8:00 A.M. - Complaint Review Committees

I. APPROVAL OF MINUTES: February 3, 2010 - Approved as amended.

NOTE: Mr. Meisel from the NJDA requested correction to the January 6, 2010 minutes concerning his inquiry with regard to tooth whitening.

The Board indicated that tooth whitening services are to be provided by dentists in facilities with adequate/appropriate dental equipment and performed by persons qualified to perform such services. Licensees involved in allowing unlicensed persons to whiten teeth could be subject to disciplinary action by the Board.

II EXECUTIVE DIRECTOR'S REPORT:

1. The Board reviewed a copy of the adopted regulations concerning the New Jersey Uniform Prescription Blanks Program. The Board requested this be placed on the Board of Dentistry website and request that the New Jersey Dental Association also publish it.
2. Communication with the Department of Health concerning request for a list of active dentists to provide them with a copy of the OSHA guidelines.

III. COMMITTEE REPORTS:

1. Credentials:

- Dr. Yoon Kang - Application for a New Jersey dental license. Dr. Kang took the WREB in 1998. The committee questions whether this is comparable to NERB. Additional information will be obtained.

- Dana Johnson - Application for registered dental assistant. The committee recommends approval pending confirmation that she passed the Law and Jurisprudence exam.

3. Continuing Education:

The committee recommended approval of five courses and requested additional information on five.

The committee recommended approval of the remedial continuing education courses submitted.

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

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

1. Dr. Rebekah Brevard - The Board took this as informational.
2. Dr. David L. Sykes - The Board requested that Dr. Sykes provide a typed response and transcription of the patient chart.
3. UMDNJ - New Jersey Dental School - The Board took this as informational.
4. Dr. Keith T. Baines - The Board requested that a copy of the Medical Examiner's report be obtained.

NOTE: The Board also discussed the ARRA Funding Act and believe that this Act should also include dentistry. The Board requested that UMDNJ be requested to provide any documents they may have on this Recovery Act.

V. FOLLOW-UP INQUIRY TO FILED ORDER BY THE BOARD:

1. Dr. Gary S. Schneiderman - Dr. Rosenheck, Dr. DeSciscio, Dr. Dolinsky were recused. The Board reviewed a request for approval regarding the community service terms of the Consent Order. The Board moved this matter to Executive Session for deliberation.
Upon return to public session, the Board determined that Dr. Schneiderman cannot perform any dentistry as part of his community service.

VI. SISTER STATE ACTIONS:

1. Dr. Nalin Patel - The Board requested that the underlying documents be obtained from the Maryland Board.

VII. OTHER MATTERS:

1. The Board reviewed additional information provided by Lee S. Befeler, Esq., with regard to his question as to whether a dentist can be the owner of an unlicensed center for surgery, and whether a dentist needs a branch license to practice. The Board determined that credentialing and licensing information be obtained for the facility including the name and location of the facility and owners. The Board also requested that other Boards be contacted to determine whether they have addressed this issue.
2. Dr. Richard Ekstein - The Board reviewed his request to use the term "expert" in his advertising. The Board determined that the term "expert" should not be used. It is not within the spirit of the regulation.
3. The Board reviewed additional information from Chedva Werblowsky from Center for Health Education with regard to her inquiry of supervision of dental hygienists. The Board determined that a dentist must directly supervise a dental hygienist in that setting.
4. The Board reviewed correspondence from Donna Reily-Collins, RDH, with regard to starting a teeth whitening business. The Board determined that she be advised that she cannot do this because it is the practice of dentistry, and needs to be done under the supervision of a dentist.

5. The Board reviewed an inquiry from Dr. John B. Dibling concerning the scope of practice of dentistry with regard to procedures such as dermal fillers and neurotoxins. The Board noted that it is in the process of proposing a regulation that would address some of these issues. In response to his other questions, the Board also determined that the following are not within the scope of practice of dentistry:
 - Facial chemical peels
 - Hair removal
 - Photo rejuvenation
 - Spider vein removal or the diminishing of vascular or pigmented lesions.
 - Tattoo removal
 - Submental liposuction or smart liposuction in head and neck areas -
No, except for those oral and maxillofacial surgeons that have adequate training in a CODA approved Oral and Maxillofacial specialty program.
 - Cannot hire an esthetician to do these procedures.

The Board requested that UMDNJ be contacted for a copy of the syllabus of the course referenced in Dr. Dibling's letter.

VIII. ORDERS FILED BY THE BOARD IN JANUARY AND FEBRUARY 2010:

The Board took the following as informational:

1. Dr. Arturo Sanchez - Settlement Letter filed on January 21, 2010.
2. Dr. Jacob M. Plawner - Settlement Letter filed on January 25, 2010.
3. Dr. Peter Crapanzano - Final Order of Discipline filed on January 28, 2010.
4. Coreen Noguera - Order of Reinstatement of License to Practice Dental Hygiene filed on February 16, 2010.
5. Dr. Alex Silman - Final Order of Discipline filed on February 17, 2010.

IX ADJOURNMENT: The Public Session adjourned at 10:45 A.M.