

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE
NEWARK, NEW JERSEY

MAY 5, 2010

8:00 A.M. - Complaint Review Committees

ATTENDANCE: The following members were in attendance:
Shirley Birenz, RDH; Steven Brisgel; Emil Cappetta, DMD; Sheila Dashkow, DMD; Lydia David, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Alexander Hall, DMD; Beverly Kupiec, RN, Ph.D.; 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; Michael Dominach, Paralegal

ABSENT AND/OR EXCUSED: Peter DeSciscio, DMD

NOTE: The Public Session commenced at 9:30 A.M.

I. APPROVAL OF MINUTES: April 7, 2010 - Approved as amended.

II. EXECUTIVE DIRECTOR'S REPORT:

1. Report on applications received and licenses issued.
2. Report on appearance before the graduating class at NYU Dental School.
1. Dr. Gary S. Schneiderman - The Board discussed a request to substitute the Mini-Residency for the PROBE/PRIME course as required in the Board's Order. This matter was moved to Executive Session for deliberation. The Board determined that the course was not equivalent and extended time to complete the course for six months.

III. COMMITTEE REPORTS:

1. Credentials:
 - Joan Karl, RDA - The committee reported that Ms. Karl must submit an application and meets all requirements.
 - Christine Cherry, Dental Hygienist - Application for a dental hygiene license. Ms. Cherry meets all requirements for licensure. The committee recommends approval.
 - Brittany Gray, RDA - Application for a registered dental assistant. The committee recommends approval of this application pending confirmation that she completed the law and jurisprudence exam.

- Dr. Meira Stepansky - Application for a dental license. Dr. Stepansky took the Florida exam. The Board tabled this application for further review.
- Dr. Michael Felber - Application for reinstatement of his dental license. The Board moved this matter to Executive Session for deliberation.
- Dr. Howard Pactovis - Application for a dental license. The Board tabled this application pending review of the data bank reports.
- Dr. Suja Thomas - Application for a dental license. Dr. Thomas took the ADEX exam. The committee recommends approval.

2. Continuing Education:

- The committee recommends approval of a local anesthesia course from Harkam College of Continuing Professional Studies in Bryn Mawr, PA. The course exceeds the regulatory specifications.
- The committee reviewed eight remedial courses. Approved six and denied two.

The Board in a motion by Dr. Dashkow, seconded by Dr. Feinberg, approved the committee recommendations.

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

Additional information requested:

1. Dr. Frederick Meiselman - The Board moved this matter to Executive Session for deliberation. The Board took this as informational.

New reports:

1. Dr. Rebekah Brevard - The Board took this as informational.
2. Dr. Maxine Feinberg - Dr. Feinberg was recused. The Board took this as informational.

V. PROVISIONAL ORDER OF DISCIPLINE TO BE FINALIZED:

1. Dr. Wayne T. Faber - Dr. Faber failed to respond to the POD. The Board determined that a final notice be sent to Dr. Faber to respond to the POD which will be placed on the Board's next agenda for finalization.

VI. REQUEST FOR RECONSIDERATION OF THE WORDING IN THE FILED SETTLEMENT LETTER:

1. Dr. William Kurylo - The Board discussed Dr. Kurylo's request for reconsideration of the wording in the filed Settlement Letter. This matter was moved to Executive Session for deliberation. The Board declined to make any changes.

VII. INFORMATION IN FOLLOW-UP TO THE BOARD'S CONSENT ORDER:

1. Dr. John Kallis - The Board reviewed information in follow-up to the Board's Consent Order. The Board took this as informational.
2. Dr. Vincent LaBruna - The Board reviewed information in follow-up to the Board's Order of Reinstatement. The Board took this as informational.

VIII. ORDERS/SETTLEMENT LETTERS/PENALTY LETTERS FILED BY THE BOARD IN THE MONTH OF MARCH AND APRIL 2010:

The Board took the following Orders as informational:

1. Dr. Robert Malfara - Order Granting Unrestricted License filed on April 21, 2010.
2. Dr. Michael B. Boyer - Order Granting Unrestricted License filed on April 21, 2010.
3. Dr. Hiep Nguyen - Consent Order filed on April 21, 2010.
4. Dr. Jonathan Friedman - Consent Order of Voluntary Surrender of Licensure filed on April 21, 2010.
5. Dr. Ronald L. Chattman - Consent Order filed on April 21, 2010.
6. Dr. John P. Leonard - Order Granting Unrestricted License filed on April 7, 2010.
7. Dr. Michael F. Gullo - Consent Order filed on April 7, 2010.
8. Dr. Ansin Huang - Interim Consent Order fled on April 7, 2010.
9. Dr. Victor Terranova - Order Granting Unrestricted License filed on April 7, 2010.
10. Dr. John J. Fitzpatrick - Order Granting Unrestricted License filed on April 7, 2010.
11. Dr. Douglas R. Mahler - Consent Order filed on April 7, 2010.

12. Dr. Joseph Loverde - Offer of Settlement filed on April 19, 2010.
13. Dr. Gina Taniós-Rafla - Consent Order filed on April 7, 2010.
14. Dr. Gennadiy Benyaminov - Uniform Penalty Letter filed on March 31, 2010.
15. Christine Coppola, RDH - Consent Order Imposing Restrictions on License to Practice Dental Hygiene filed on April 21, 2010.

IX. OTHER MATTERS:

1. The Board reviewed follow-up correspondence from Carolyn Breen, Department of Allied Dental Education at UMDNJ, regarding the feasibility of some of the graduates to qualify for licensure through and 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 indicated this appears to be an appropriate pathway to licensure.
2. The Board reviewed correspondence from Kathy Sinatra, RDH, President of the NJDHA, expressing concerns with the operation of tooth whitening “kiosks”, and other such businesses, by unqualified individuals. The Board requested that the Director’s office be contacted to obtain the status of this matter.
3. The Board reviewed correspondence from Grace Egan, Executive Director, New Jersey Foundation for Aging, concerning the law which requires licensees to report incidents of abuse, neglect and exploitation of persons 18 years and over to Adult Protective Services Providers. The Board took this as informational. The Board requested that the NJDA and NJDHA disseminate this new law to its members.
4. The Board reviewed correspondence from Jennifer Snodgrass, Marketing Representative, Professional Protector Plan for dentists, questioning whether the administration of Botox and use of dermal fillers for elective cosmetic procedures falls within the definition of dentistry. The Board requested that the Board minutes be sent where this issue was discussed.

X. APPEARANCES:

1. 9:30 A.M. - Dr. Gerald Whiteman - Appearance concerning the reinstatement of his New Jersey dental license.

Dr. Whiteman appeared with counsel, Brian Whiteman, Esq. Dr. Whiteman's license was actively suspended for two years for Medicaid fraud. Dr. Whiteman discussed his plans for the future and his activities during the period of suspension.

The Board moved to Executive Session to deliberate. Dr. Whiteman's license will be reinstated as provided in the final order.

2. 10:00 A.M. - Dr. Joseph S. Lembo, Jr. - Appearance In the Matter of the Suspension or Revocation of the License of Dr. Lembo's License to Practice Dentistry in the State of New Jersey.

The Board discussed the Provisional Order of Discipline. The Board was persuaded by mitigation offered and in a motion by Dr. Rosenheck, seconded by Dr. Dashkow, rescinded the Provisional Order.

3. 10:30 A.M. - Kolette E. Keenan, RDH - Appearance on the Verified Complaint and Order to Show Cause Notice of Hearing and Notice to File Answer.

Deputy Attorney General Carla Silva appeared on behalf of the Attorney General to file a motion for default and to request consideration of the Verified Complaint. The Attorney General has presented credible evidence that Ms. Keenan's continued practice poses an imminent threat to the public's health, safety, and welfare.

The Board moved to Executive Session for deliberation.

The Board in a motion by Dr. Feinberg, seconded by Ms. Birenz, suspended Ms. Keenan's dental hygiene license, effective immediately, and continued until a Final Order is entered.

XI. SUNSET REVIEW OF BOARD REGULATIONS:

1. Review of final draft and approval for publication in the New Jersey Register for public comment.

The Board in a motion by Dr. Dashkow, seconded by Dr. Rosenheck, approved the amended regulations for publication in the New Jersey Register.

XII. ADJOURNMENT: