

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE
NEWARK, NEW JERSEY

APRIL 6, 2011

The meeting was called to order by Dr. Herbert Dolinsky. at 9:50 A.M.

ATTENDANCE: The following members were in attendance:
Shirley Birenz, RDH; Mr. Steven Brisgel; Emil Cappetta, DMD; Sheila Dashkow, DMD; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Alexander Hall, DMD; Beverly Kupiec, RN, Ph.D.; Arnold Rosenheck, DMD

ABSENT AND/OR EXCUSED: Lydia David, DMD; Mr. Jerome Fernandez

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

NOTE: Dr. Kupiec arrived at 10:15 A.M.
Mr. Brisgel left at 11:00 A.M.

Dr. Dolinsky led a moment of silence for Dr. William Orlacchio, previous member of the Board, who passed away recently.

I. APPROVAL OF MINUTES: March 16, 2011 - Approved as amended.

II. EXECUTIVE DIRECTOR'S REPORT:

1. Executive Director Jonathan Eisenmenger reported that he spoke to the dental graduating class at UMDNJ and NYU on the application process.
2. Report on applications received and licenses issued.

III. COMMITTEE REPORTS:

1. Credentials:

Naomi DePasquale, R.D.H. - Application for reinstatement of her dental hygiene license.

The committee recommends approval.

Dr. Jason Portnoff - Application for a dental license. Dr. Portnoff took the Florida exam.

This matter was tabled until the Board discussed this issue later on the agenda. The Board approved this application by credentials. Dr. Portnoff took the Florida exam, which was comparable to NERB and was in a residency in New York for five years.

Dr. Joseph Hom - Application for a dental license. The committee recommends approval.

Nicholas Conforti, DDS - Request for reinstatement of license. The Board had previously determined that he would require 30 hours of hands-on continuing education prior to reinstatement. Dr. Conforti appealed that decision, as he does not desire to practice clinical dentistry, but to conduct research in another state.

The Board in a motion by Dr. DeSciscio, seconded by Dr. Hall, approved the reinstatement of his license provided that he complete the 30 hours of continuing education within six months. If he wants to do clinical dentistry, he must complete a multi-day oral surgery review course, and a full day anesthesia course within 12 months.

The Board in a motion by Dr. Cappetta, seconded by Mrs. Birenz, approved the committee's report.

2. Continuing Education:

- The committee reported on remedial education. The Board approved this report.

- Dr. James Albani - Request for pre-approval of a course entitled "Producing Peak Performance". The Board in a motion by Dr. Rosenheck, seconded by Mrs. Birenz, denied approval of this course because it is not related to the practice of dentistry. Dr. DeSciscio abstained.

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

1. Dr. Tsippora Berke - The Board determined that a letter of advice be sent suggesting that he review the literature on the appropriate use of Articaine and Septocaine.
2. Dr. Barry L. Kliger - The Board determined that a letter of advice be sent suggesting that he review the literature on the appropriate use of Articaine and Septocaine.
3. Dr. Jerald N. Rosenberg - This was taken as informational.

NOTE: The Board requested that these cases involving incidents of the use or Articaine and Septocaine be reported to the FDA.

V. OTHER MATTERS

1. American Association of Dental Boards - Request for nominations for AADB Citizen of the year. Tabled from last meeting.
The Board in a motion by Dr. Dashkow, seconded by Dr. Feinberg, nominated Dr. Richard VanSciver and Dr. John Riccianni. Molly Nadler from the Association will be contacted to determine if these members are eligible.
2. Dr. Cyrus Sepahbody - Inquiry concerning a partnership dissolution and patient records. The Board in a motion by Dr. Hall, seconded by Dr. Dashkow, recommends that both licensees share the cost of digitizing the records, and both dentists get a copy. The original records should go with the dentist of record, unless other arrangements were made during the formation of dissolution of the practice. Patients must be offered a copy of their records upon request, and must be told where the original records are held and how to get a copy of their records as required by regulation N.J.A.C. 13:30-8.7(g)).

NOTE: The Board referred this issue to the regulation committee for possible regulation.

3. Correspondence from Arthur Meisel, counsel for the New Jersey Dental Association, requesting clarification with regard to the new provision pertaining to professional advertising N.J.A.C. 13:30-6.2(n)4, as it relates to non-insurance dental plans. The Board in a motion by Dr. Feinberg, seconded by Dr. Dashkow, referred this matter to the regulations committee for discussion. However, dentists are governed by the regulations that are in effect now, and therefore, offers are to be made regardless of insurance coverage.
4. Inquiry from Dr. Gustavo Garces questioning whether there are any limitations in the application of “platelet rich fibrin” on the face. The Board requested that additional information be obtained about the procedure(s) and how he intends to use the material.
5. Correspondence from August D. Pellegrini, DDS, Director of Clinics, UMDNJ, concerning a program they are developing for “agents who are in the field and develop various types of dental conditions, most notably, pain and swelling.” They are questioning whether they can train non-dentists in the administration of local anesthetic technique. The Board determined that additional information be obtained.
6. Correspondence from James Webb, Assistant Director, Medical/Health Administration, University of Florida College of Dentistry Oral and Maxillofacial Diagnostic Services requesting for permission to provide teleradiology consults for Cone Beam Computed tomography Studies. The Board referred this matter to the regulations committee. They will be advised that in the interim the dentists who wish to read the studies can apply for a New Jersey license.
7. Correspondence from Johnna Gueorguieva, Ph.D., Dental Assisting National Board, Inc., concerning the timeline to update the NJXDG exam and republish. The Board approved the recommendations from DANB for test preparation. DANB will be questioned as to why the changes made in 2009 were not implemented.

NOTE: The Board moved the discussion about the regulations for preparing a tooth for sealants to the regulations committee.

8. Correspondence from Cynthia C. Durley, M.Ed., MBA, Executive Director, Dental Assisting National Board, Inc. requesting feedback on the proposed DANB CDA/GC Exam eligibility pilot study. The Board in a motion by Dr. Feinberg, seconded by Mrs. Birenz, determined that she be advised that at the present time, the Board’s regulations do not recognize the proposed hybrid school and experience pathway. Further, the Board has concerns with the accrediting organization as the entity that administers the examination.

9. Correspondence regarding NERB and Florida Dental Examinations.
When a group of students took the Florida exam, over a two year period, those students received a letter that said they had passed the NERB exam rather than just the Florida exam. The Board moved this matter to Executive Session for discussion.
All applications are reviewed individually to determine whether applicants meet all requirements for licensure. The Board took this as informational.
10. Inquiry from Pam Mandel, Esq., concerning a dental employee leasing company that would place specialists in dental offices. DAG Miller researched the question and indicated that the employee leasing statute provides that a "leased employee" is an employee of both the leasing company and the practice in which the leased employee is placed. The dental practice consistent with the regulations, would have to pay a fixed fee, not a percentage of production, to the leasing company. The leasing company cannot have any jurisdiction over the professional responsibilities of the employees.

VI. ORDERS FILED WITH THE BOARD

1. Kevin Ward, DDS - Order Removing Restrictions on License filed on March 2, 2011
2. Mitra Abdollahi, DMD - Consent Order of Reinstatement filed on March 16, 2011
3. Richard S. Bradway, DDS - Order of Summary Suspension filed on March 16, 2011
4. Ramon Quevedo (Unlicensed) - Settlement Letter filed on March 25, 2011
5. Thomas L. Glatt, DDS - Settlement Letter filed on March 29, 2011
6. Melinda Wagner, DMD - Consent Order filed on March 16, 2011

The Board took this Orders as informational.

- VII.** ADJOURNMENT: The Board in a motion by Dr. Feinberg, seconded by Dr. Dashkow, adjourned the Public Session at 11:50 A.M. and moved to Executive Session for advice of counsel and review of open matters (investigations and deliberations).