

**NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
BOARD OFFICE
NEWARK, NEW JERSEY JUNE 10, 2009**

NOTE: The Public Session Agenda commenced at 10:00 A.M.

ATTENDANCE: The following members were in attendance:

Shirley Birenz, RDH; Steven Brisgel; Emil Cappetta, DDS; Sheila Daskow, DMD; Peter DeSciscio, 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 Joseph Donofrio; Executive Director, Jonathan Eisenmenger; Michael Dominach, Paralegal; Cecilia Moreira, Senior Management Assistant I. EXECUTIVE DIRECTOR'S REPORT:

- The Board discussed a request from Johnna Gueorguieva, Director of Testing and Measurement with DANB, for a date to meet with the Board or a committee of the Board to review the New Jersey Expanded Functions Exam in October or December. The Board will establish a committee and will work with Ms. Gueorguieva on scheduling a meeting date.

- The Board requested that a letter be sent to Dean Ceil Feldman at UMDNJ requesting the reports required by NJSA 45:6-16.5 and NJAC 13:30-3.4, including a roster of all teachers/demonstrators/instructors and locations where employed. This is an annual requirement.

II. COMMITTEE REPORTS:

1. Credentials:

Dental Auxiliaries:

- Ingrid Ward, RDA - Inquiry from Ms. Ward questioning as to requirements necessary to reinstate her registered dental assistant registration which expired in 2004. The committee recommended that she take a refresher course and the expanded functions exam.

- Karina Ugarte, RDA - Application for registration as a dental assistant. The committee noted that she must take the expanded functions exam prior to approval of the application.

- Rebecca Alexander, RDA - Application for a registration as a dental assistant. Ms. Alexander meets all requirements for licensure. The committee recommended approval.

- Brenda Young, Dental Hygienist - Application for a dental hygiene license. Ms. Young is licensed in Texas but has not practiced dental hygiene since 2006. The committee recommended that she take a refresher course prior to approval of her application.

Dentists:

- Dr. Joseph Danesh - Application for a New Jersey dental license. The Board had previously denied Dr. Danesh's application because he had not practiced five years in a single state. He is requesting reconsideration from the Board. He indicates that he has kept his California license active while being a resident in California. He also passed the WREB exam. The committee is recommending that the time spent in the residency apply toward the five year requirement and recommended approval of license.

- Dr. Victor Stime - Application for a Limited Professional Registration Certificate. Dr. Stime meets all requirements. The committee recommended approval.

- Dr. Mary Voytus - Inquiry from Dr. Voytus, Program Director of the Residency program at Mountainside, requesting for approval of hands-on externships by students. The committee requested that the following additional information be obtained:

- Who will be overseeing the externs?
- Who will be signing their charts?
- What duties will they perform?
- What is the relationship between the students, the programs, and any university?

- Dr. Samuel Rosenfeld - Application for a New Jersey dental license. Dr. Rosenfeld meets all requirements for licensure. The committee recommended approval.

- Dr. Jonathan Fan - Application for a resident permit. The committee recommended approval.

- Dr. Bashar Rajab - Application for a New Jersey dental license. Dr. Rajab has maintained his Virginia license active while attending a residency. He has taken the Southern Regional Board. The committee recommended approval.

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

2. Continuing Education:

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

III. PROPOSED LEGISLATION:

1. A-3934 - The Board reviewed proposed legislation which "Concerns use of health information technology products." On a motion made by Dr. Feinberg, seconded by Dr. Rosenheck, the Board commented that it supports the intent of this legislation, but indicated that the software may not yet be broadly available. The deadline set by the proposed legislation may be too premature for the software companies to get their technology approved. The Board asks that the sponsors include dentists in their ongoing discussions regarding the type of information required of dentists and how dentists can use this material in the future.

2. Handout on the UEVHPA (Uniform Emergency Volunteer Health Practitioners Act) Draft Report - The Board supports this report, and strongly believes that the Board of Dentistry be named and included in the legislation so that dentists would be included in any emergency actions system. The Board would also like to have input into any requirements that are placed on dentists through this measure.

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

1. UMDNJ - Dental School - The Board requested that UMDNJ be requested to complete the incident report form and submit a copy of the patient's chart.

2. Dr. Warren M. Merguerian, Jr. - The Board requested that a typed transcription of the patient chart be obtained and a narrative of the procedures performed.

3. Dr. Michael Masella - The Board requested that the patient's records with a typed transcription be obtained. The Board also requested that he provide a response to the following:

- The dentist's rationale for prescribing clyndimiacin?
- The rationale for waiting to refer patient to oral surgeon?
- What was patient's condition following procedure and what follow-up was undertaken?

4. Dr. Chandan S. Walia - This matter was moved to Executive Session. After deliberation, the Board took this as informational.

V. FOLLOW-UP TO REQUIREMENTS LISTED IN THE BOARD'S CONSENT ORDER:

1. Dr. David Snyder - Dr. Feinberg was recused because she and Dr. Snyder have mutual patients. The Board reviewed a request for approval of the auditing company as required by the Board's Consent Order filed on July 11, 2007. The Board approved the change in auditor.

VI. ORDERS/SETTLEMENTS FILED BY THE BOARD IN THE MONTH OF MAY 2009:

The Board reviewed copies of filed Orders concerning the following:

1. Dr. Alexander Karapetian
2. Dr. Joel P. Kurtz
3. Dr. Gordon R. Barnes
4. Dr. Raymond L. Pacholec
5. Dr. Mitra Abdollahi
6. Dr. Jon Lackner
7. Dr. Howard A. Kaplan
8. Dr. Charles W. Zebe

The Board took this as informational.

VII. OTHER MATTERS:

1. The Board reviewed correspondence from Don A. Pantino, DDS, and Jeffrey P. Pancer, DDS, President, American Academy of Dental Sleep Medicine, requesting clarification on the role of dentists in providing care for patients with obstructive sleep apnea. The dentist is asking the Board to modify a prior determination on the use of sleep-study equipment for use by dentists with a team that includes medical doctors. The Board determined to refer this matter to the Polysomnography Committee for its input into how a dentist would appropriately work with polysomnographers, and asking that Committee's opinion on whether there is a need for education/training.

Dr. Pancer will also be cautioned regarding his letterhead Sleep Dentistry is not a recognized specialty.

2. The Board reviewed correspondence from Tina A. Burgett, Esq., concerning tooth whitening. The Board took this as informational; it will be added to the Board's file.

3. The Board reviewed correspondence from Ala Miller, RDA, concerning the delegable duties by a Registered Dental Assistant. The Board referred this matter to the Sunset Committee.

4. The Board reviewed correspondence from Erin E. Barker, CDA, concerning an educational program she wants to implement. The Board determined that she cannot operate this program as she holds herself to be a Registered Dental Assistant since Board regulation's require "direct supervision" of RDAs performing functions, including oral health education.

5. The Board reviewed an inquiry from NJDA concerning the "scope of practice of a dental assisting student." The Board noted that there is a provision in the statute for RDA internship, however, the following additional information is to be obtained:

- Is the student identified as a student.
- What does the school's materials say about the program?
- Is this a practicum as part of the curriculum?
- Is it after school or during school?

- Is it an internship with direct supervision by a dentist?

6. The Board reviewed correspondence 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. Feinberg, seconded by Dr. DeSciscio, referred this matter a committee of the Board and the DAG to develop a response or request for additional information.

7. The Board reviewed an inquiry from Dr. Edward Rosenbaum concerning monitoring of nitrous oxide. The Board noted that only a dentist can initiate and administer nitrous oxide. Monitoring must be performed by a Board licensed RDA and RDH. An unregistered dental assistant may assist, provided the dentist is physically present in the operatory at all times. A copy of the Board's regulations will be sent to Dr. Rosenbaum.

8. AADE - The Board reviewed a copy of The Bulletin. This was taken as informational.

VIII. APPEARANCES:

1. 1:00 P.M. - Dr. Judd Garson - Appearance concerning the reinstatement of his New Jersey dental license which was surrendered in June 2001 for writing prescriptions for controlled dangerous substances for his personal use. The Board also reviewed a report with recommendations for monitoring by the Professional Assistance Program. The Board in a motion by Dr. Feinberg, seconded by Dr. Ricciani, approved the reinstatement of Dr. Garson's license, with restrictions, including monitoring recommended by PAP.

IX PUBLIC COMMENTS:

1. Lois D'Appuzo, Owner, Dental Studies Institute - Discussion about registered dental assistant students and the expanded functions examination. Approximately ten individuals have taken her program and now must take the expanded functions examination. She expressed concern that these applications are not being processed and expressed her opinion that the students should not have to pass the expanded functions examination.

X. ADJOURNMENT PUBLIC SESSION: 12:00 Noon