

NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
BOARD OFFICE NOVEMBER 3, 2004
NEWARK, NEW JERSEY

ATTENDANCE:

The following members were in attendance:

Emil Cappetta, DDS; Patricia Delaney, RDH, Ed.M; Alexander Hall, DMD; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Beverly Kupiec, RN, Ph.D.; Ms. Laura Leach, MBA; Sally-Jo Placa, DMD; John Ricciani, DMD; Barbara Rich, DDS; Arnold Rosenheck, DMD

OTHER ATTENDEES:

Deputy Attorneys General Nancy Costello Miller and Joseph Donofrio, Kevin B. Earle, M.P.H., Executive Director, Michael Dominach, Paralegal; Cecilia Moreira, Senior Management Assistant

ABSENT AND/OR EXCUSED:

Mr. Louis Cardenas, MBA

A. APPROVAL OF MINUTES:

September 8, 2004 - Approved as amended
September 22, 2004 - Approved as amended
October 6, 2004 - Approved as amended

B. EXECUTIVE DIRECTOR'S REPORT:

1. Mr. Earle discussed a letter received from Judy Zirkle, RDA Immediate Past President of the NJ Dental Assistants Association questioning whether continuing education credit would be granted for "Give Kids a Smile Project". The Board in a motion by Ms. Delaney, seconded by Dr. DeSciscio, determined that a maximum of three hours of CE would be granted for dentists and dental auxiliaries who participate in this program.
2. It was noted that NJ Public Health Council is considering a proposal requiring fluoridation of New Jersey water. The Board passed a motion made by Ms. Delaney, seconded by Dr. Ricciani, urging the Council to propose such a regulation. Dr. Kupiec was recused since she works for the Department of Health.

C. COMMITTEE REPORTS:

1. Pending Applications

Dental Applications:

Joseph Mulligan, DMD - Application for a New Jersey dental license. Dr. Mulligan meets all requirements for licensure. The committee recommends approval pending receipt of the verification of licensure from the state of South Dakota where he is currently licensed.

Martin Kartush, DDS - Application for a New Jersey dental license. Dr. Kartush meets all requirements for licensure. The committee recommends approval.

Ean James, DMD - Application for a New Jersey dental license. Dr. James meets all requirements for licensure. The committee recommends approval.

Dental Auxiliaries:

Ines Hastings - Application for a dental hygiene license by credentials. Ms. Hastings meets all requirements for licensure. The committee recommends approval.

Dhechen Tsuldin - Application for registered dental assistant registration. Ms. Tsuldin has an outstanding warrant since 1996 for failure to appear in court. The committee recommends that additional information be obtained concerning this incident.

2. Continuing Education:

The committee recommends approval of nine continuing education courses. The Board in a motion by Ms. Delaney, seconded by Dr. Rich, approved the continuing education committee report.

Carrie Ens - Request for approval of college courses relating to behavioral science to be applied towards the renewal of the dental hygiene license. The committee recommends approval.

Ari Krug, DMD - Inquiry concerning permitted duties by orthodontic assistants. He is questioning whether orthodontic assistants are permitted to place ligature ties to tie arch wires into brackets. The Board directed that he be advised that this matter is being considered by the Board during review of regulations during Sunset.

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

D. SECRETARY'S REPORT:

The Board in a motion by Ms. Delaney, seconded by Ms. Leach, approved the list of applicants for licensure.

E. PROPOSED REGULATION:

1. Sunset Review The Board continued sunset review of its regulations. A letter from Douglas G. Sanborn, Senior Vice President and General Counsel for Delta Dental, regarding issues of informed consent was also considered.

The Board determined to refer the issue of Limited Teaching Certificates to the regulations committee. Current regulations do not require National Boards by applicants. The committee is suggesting that successful completion of the National Boards Parts One and Two be required.

The Board in a motion by Ms. Leach, seconded by Dr. DeSciscio, authorized the publication of sunset review of regulations for comment.

F. LEGISLATIVE REVIEW:

1. **S-1930** - The Board reviewed proposed legislation which revises procedures for suspension or revocation of licenses for overdue child support. The Board asked to

relay its concerns regarding notification provisions in light of due process.

G. INCIDENT REPORTS:

The Board reviewed reports of incidents in their office as required by Board regulation:

1. New Jersey Dental School - (John F. Ricciani, DMD was recused) - The Board requested that clarification be obtained concerning the location of the attending faculty during the incident.

2. Paul J. Markowitz, DMD - This was taken as informational.

H. APPLICATION FOR REINSTATEMENT OF LICENSE:

1. Dr. Kevin Ward - Board decision following the October 6, 2004 appearance. Tabled from the October 20, 2004 meeting.

The Board moved to Executive Session for deliberation.

The Board returned to public session in a motion by Ms. Leach, seconded by Ms. Delaney, after considering the information presented in support of the application, the reports of Steven Simring, M.D., the Board's designated psychiatric expert, arguments of counsel and the testimony of Dr. Ward, including appearances on May 19, 2004 and October 6, 2004, has determined that Dr. Ward's license to practice dentistry should not be reinstated at this time. In reaching its decision, the Board has carefully evaluated the testimony of Dr. Ward in both appearances, the reports of Dr. Simring, and the documents submitted by Dr. Ward and his counsel.

The Board, once by committee and the second time by the full Board, has had the opportunity to assess Dr. Ward's credibility and current capability to practice safely. The Board agrees with Dr. Simring's conclusion that Dr. Ward lacks insight into his behavior. While Dr. Ward did testify that he regretted the injuries that had occurred and because they occurred in his office, he accepted responsibility, his testimony does not reveal that in the period of his absence from practice he has truly accepted responsibility or gained any understanding of his behavior.

In light of the above, the Board is unwilling to find that Dr. Ward may safely return to practice for any patient population. Dr. Ward's application for reinstatement is therefore denied and a written order will follow.

2. Nicholas F. Breen, DMD - The Board reviewed Dr. Breen's application for reinstatement of license revoked by Order filed on December 15, 1995. The Board determined to schedule an appearance before the Board.

I. REQUEST FOR REMOVAL OF RESTRICTIONS:

1. Roy McTernan, DMD - The Board reviewed Dr. McTernan's request for consideration of removal of all restrictions placed on his license by Board Order including urine monitoring and working under supervision of a Board approved supervisor. The Board in a motion by Ms. Leach, seconded by Ms. Kupiec, determined to remove all restrictions and suggested that Dr. McTernan continue with the Well Being Program on a voluntary basis.

2. Robert E. Wollman, DDS - The Board reviewed a request for removal of certain restrictions placed on his license by Board Order filed on February 5, 2003. The Board in a motion by Ms. Leach, seconded by Dr. Hall, determined that Dr. Wollman be scheduled for an appearance. The Board requested that all previous orders be provided along with the last report submitted by Dr. O'Neill.

J. INFORMATION FROM PHYSICIANS' HEALTH PROGRAM:

1. The Board reviewed a letter from Louis E. Baxter, Sr., M.D., FASAM, from the Physicians' Health Program, concerning "drug detection in dilute urine specimens." The Board took this as informational.

K. OTHER MATTERS:

1. Joseph S. Hannah, DMD (Dr. Ricciani was recused) - The Board reviewed a request for approval of group therapy program in follow-up to the Board's Order. The Board requested that additional information be obtained concerning this program.

2. The Board reviewed a letter from Robert E. Binder, DMD, Professor and Interim Chair, Department of Orthodontics, New Jersey Dental School, concerning "Digital Study Models." Dr. Binder is requesting that the Board reconsider its previous position and accept digital models as standard of care for orthodontic records. The Board requested that the American Academy of Orthodontists be contacted to determine whether it has accepted the use of digital models as a standard of care.

3. The Board reviewed a letter from Jerry J. Popeck, DMD, questioning dental hygienists working under general supervision. The Board believes that in order to protect the patient's health, safety and welfare a dentist is required to be present. Paul Bent from the Dental Hygiene Association suggested that the Board consider this matter by looking at other states requirements on this issue. He indicated that he would provide information from other states for Board consideration. This matter was referred to committee for review.

4. The Board reviewed letters from Scott W. Houfe, DDS, Chair of the American Dental Licensure Examination Committee, and from Dr. Cindy Riffle, President, American Association of Dental Examiners, concerning national examination for the evaluation of clinical competency of candidates for licensure. The Board took this as informational.

L. APPEARANCES:

1. 1:00 P.M. - Charles Knapp, DDS - Dr. Knapp appeared with counsel, Richard Tanner, Esq., concerning his request for reinstatement of license following Consent Order filed on 9-14-04. Dr. Knapp was suspended for three years, 90 days which were active suspension and the remainder stayed and served as a period of probation. Prior to his return to practice, Dr. Knapp had to submit to independent psychiatric evaluation and appear before the Board.

The Board discussed the incident which resulted in the suspension of Dr. Knapp's license. He was questioned on what was learned from the incident and how he would handle future similar situations. The Board also discussed his participation in the ProBe course which was a requirement set forth in the Board's Order. A psychological evaluation report was also provided to the Board.

At the conclusion of all testimony the Board moved to Executive Session for deliberation.

After considering all information presented, the Board, in a motion by Ms. Delaney, seconded by Ms. Leach, approved the reinstatement of Dr. Knapp's license.

2. 2:00 P.M. - Moniku Jefferson - Ms. Jefferson appeared before the Board concerning a pending application for a dental hygiene license. Ms. Jefferson discussed the results of the criminal history background check which disclosed three arrests. The charges concerning the incident in 1995 were dismissed. Ms. Jefferson pled not guilty to the arrest in 1996 for shoplifting but was found guilty and paid \$653.00. In 2003 she was arrested and found guilty of simple assault. She was fined and given 80 hours of community service. After discussing each incident in detail followed by questions from the Board, a motion was made by Ms. Delaney, seconded by Ms. Leach, to move to Executive Session for deliberation.

The Board returned to public session and after considering all information presented a motion was made by Ms. Delaney, seconded by Dr. Cappetta, to approve Ms. Jefferson's application for a dental hygiene license.

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