

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE

NEWARK, NEW JERSEY(Somerset Room)

SEPTEMBER 1, 2010

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

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

ABSENT AND/OR EXCUSED: Lydia David, DMD; Maxine Feinberg, DDS

NOTE: The Public Session Agenda was called to order at 10:00 A.M.

I. **APPROVAL OF MINUTES:** July 21, 2010 - Approved as amended
August 4, 2010 - Approved as amended

II. EXECUTIVE DIRECTOR'S REPORT:

1. The Board was provided with the proposed meeting dates for 2011. The Board approved the following dates:

January 5 & 19	July 6 & 20
February 2 & 16	August 10
March 2 & 16	September 7 & 21
April 6 & 20	October 5 & 19
May 4 & 18	November 2 & 16
June 1 & 15	December 7 & 21

2. The Executive Director reported that the Board's sunset proposal was approved by the Governor's office and is scheduled to appear in the N.J. Register on September 20, 2010.

III. COMMITTEE REPORTS

1. Credentials:

Tara Patelunas, RDH - Inquiry concerning reinstating her license which expired on December 31, 1995. The Board determined that she should take the refresher course, complete the NERB and the JP exam.

Catherine Bercier, RDH - Ms. Bercier submitted an application that included an examination administered by Council of Interstate Testing Agency. The Board determined that she must submit more information about the exam in order to establish whether it was substantially equivalent to the NERB exam.

Mallory Smith, RDH - Application for a dental hygiene license. The committee recommends approval.

Audrey Sternberg, RDH - Application for a dental hygiene license. The committee recommends approval.

Carole M. Ojeda, RDH - Application for a dental hygiene license. The committee recommends approval.

Dr. Manish J. Ladani - Application for a dental license. The committee recommends approval pending the successful completion of the Law & Jurisprudence exam.

Dr. Donald Navarro - Application for limited professional registration certificate. The committee recommends approval.

Dr. Christopher Puglisi - Application for limited professional registration certificate. The committee recommends approval.

Dr. Catherine Lim - Dr. Lim graduated UMDNJ in 1993 and passed the NERB exam, but never obtained a license. She has not practiced clinical dentistry since 1995. The Board determined that she should undergo an assessment (bench test) at UMDNJ to evaluate her clinical competency.

A motion made by Dr. Cappetta, seconded by Dr. Hall, the Board approved the recommendation of the credentials committee.

2. Continuing Education:

Dr. Cappetta reviewed 18 requests for remedial continuing education. He recommends approval of 15, and denied 3. The three requests that were denied were supposed to be “hands-on” and the submissions were not “hands- on”.

Ms. Birenz recommended approval of a number of courses.

The committee denied a course given by the FBI in reviewing criminal cases and coding them.

The committee denied a course in personal health.

The committee reviewed a course from the Community College of Philadelphia in Local Anesthesia. It is substantially equivalent to other initial courses that have been approved. The committee recommends approved.

A motion made by Dr. Dashkow, seconded by Dr. Cappetta, the Board approved the recommendation of the committee.

IV. RESPONSE TO UNIFORM PENALTY LETTER

These three items were moved to executive session for deliberation.

1. Dr. Edward Poller - Dr. Poller was issued a Uniform Penalty Letter on July 9, 2010, for failing to list the name of the “specialists” in the advertisement. John Dizzia, Esq., provided a response for the Board to consider.
The Board determined to withdraw the July 9, 2010 Uniform Penalty Letter, and issue a new Uniform Penalty Letter based on the advertisement submitted with his explanation (dated 7/24/10) with a penalty of \$1,000 because no licensee is named in the new advertisement, in violation of NJAC 13:30-6.2(9)(n).
2. Dr. Dorothy Drain - Dr. Drain was issued a Uniform Penalty Letter on July 9, 2010 for failing to list the name of a dentist in an advertisement. She submitted an explanation for the Board to consider.
The Board was not persuaded by the mitigation and determined to sustain the penalty in the Uniform Penalty Letter.
3. Dr. David J. Matthews - Dr. Matthews was issued a Uniform Penalty Letter on July 7, 2010 for using a photograph in his advertisement without noting that the individual in the photograph was not his patient. Christine Gefaell, Esq. provided a response for the Board to consider.
The Board was not persuaded by the mitigation offered and determined to sustain the penalty in the Uniform Penalty Letter.

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

1. Dr. Rajeev Gupta - This was received as informational.

VI. INQUIRY IN FOLLOW-UP TO THE BOARD’S ORDER

1. Dr. Alan A. Schwartz - Dr. Schwartz entered an interim Consent Order with the Board on August 5, 2009. He reports the results of his attempt to attend a course, as required by the Order, and requests assistance from the Board. The Board president directed the executive director to request a response from Oral Health Enrichment for a potential course in appropriate prescribing methods.

2. Dr. Nicholas F. Breen - Dr. Breen entered a Consent Order with the Board on June 17, 2010. Dr. Edward Reading, PAPNJ, submitted a request concerning the need to complete the continuing education courses required by the Order. After considering the inquiry, the Board determined that the online courses Dr. Breen previously submitted were not sufficient to complete his continuing education, and therefore recommends that he take hands-on CE courses to make up the deficiencies.
3. Dr. Gerald Hirsch - The Board entered a Final Order against Dr. Hirsch on December 12, 2008, which, among other terms, prohibits Dr. Hirsch from owning his own dental practice and requires him to notify the Board of his current employment. Dr. Hirsch submitted a hand written response on the Board's letter of August 13, 2010. The Board determined to issue a letter of advice to Dr. Hirsch that, in future communications with the Board, he should communicate with respect and professionalism.

VII. SISTER STATE ACTIONS

1. Dr. Nancy Jo Aharon - The Board received information from Massachusetts that Dr. Aharon entered a Consent Agreement for Stayed Probation on May 30, 2008 in the State of Massachusetts. Dr. Aharon's probation was activated due to non-compliance with the terms of the agreement on June 1, 2009. She successfully completed all terms, and the matter was closed on June 8, 2010. Dr. Aharon's license to practice in New Jersey has been expired since 1993. The Board received this as informational.
2. Dr. Bryan Harvey - The Board received information from Oregon that Dr. Harvey was issued a formal reprimand for unacceptable patient care. Dr. Harvey's license to practice in New Jersey has been expired since 2003. The Board received this as informational.

VIII. OTHER MATTERS

1. Inquiry from Pamela Mandel, Esq., concerning a business arrangement. The Board tabled this for research and will put this on the agenda of September 15, 2010.
2. Request for clarification on the legislation which grants continuing education credit to dentists who volunteer dental services. Arthur Meisel, NJDA, shared that the issue was that "voluntary dental services" would include services provided to students who may be seen in a school setting. The Board is aware of the statute's scope.
Note: On May 19, 2010, the Board referred the new statute to the regulations committee to develop regulations. The Board also noted that it would not accept "oral screenings" for continuing education credit.
3. Additional information from Brian Carlsen, Director of Operations, at Dentistry from the Heart, concerning granting continuing education credits for dentists assisting at dental charity events. The Board would like Mr. Carlsen to appear at a future meeting in order to provide further information about how his organization operates.
4. Follow-up correspondence from Michele Lieberson, dental hygienist, concerning her waiver of the continuing education requirements for licensure renewal. On a motion by Dr. Cappetta, seconded by Dr. Hall, the Board denied the request for a waiver.

5. Inquiry from Frank R. Recker, DDS, J.D., concerning the Board's advertising regulations relative to advertising of credentials. Regulatory Analyst Maryann Sheehan appeared before the Board about the need to study this issue concerning the advertising of specialties. Ms. Sheehan will file a notice of receipt of a petition for rule making, based on Dr. Recker's correspondence. The Board will refer this to the regulations committee, in order to have a recommendation about amending or proposing regulations before the Board within ninety days.
6. Inquiry from Dr. Avi H. Israeli concerning the use of Picasso Lite laser by dental hygienists. The Board requests more information; specifically, Dr. Israeli will be asked to provide literature from the company that makes the laser, and independent scientific literature that discusses the efficacy of the product.
7. Inquiry from Drs. Rose & Dworkin questioning whether the consent for treatment form can be scanned or are they required to keep the original paperwork. The Board tabled this request pending further review by the Deputy Attorney General. The Board also requested the Executive Director to question the Division whether they have considered this issue.

IX. COPIES OF ORDERS/SETTLEMENT LETTERS FILED WITH THE BOARD

1. Dr. Edward Wallendjack - Consent Order of Voluntary Surrender of Licensure filed on August 17, 2010. This was received as informational.
2. Dr. Jeffrey Aron - Interim Consent Order filed on August 4, 2010. This was received as informational.
3. Dr. Gennaro J. Langella - Order of Reinstatement filed on July 26, 2010. This was received as informational.
4. Dr. Peter Crapanzano - Order filed on August 4, 2010 imposing the active suspension portion of the Board's Order filed on January 28, 2010. This was received as informational.
5. Dr. Michael Felber - Settlement Letter filed on August 2, 2010. This was received as informational.
6. Dr. Robert P. Carroll - Settlement Letter filed on August 24, 2010. This was received as informational.

X. MITIGATION HEARING

1. 10:00 A.M. - Dr. Patrick Bamgboye - Mitigation Hearing. Kay Ehrenkrantz, DAG, appeared on behalf of the Attorney General. Dr. Bamgboye appeared with Richard Tanner, Esq. The Board continued its review of the matter, following the Board's finding of a basis of discipline against Dr. Bamgboye on July 21, 2010.

At the conclusion of the presentations, the Board went into executive session to deliberate about the evidence submitted and the motion for a stay.

The Board moved back into public session. In a motion by Dr. Cappetta, seconded by Dr. Dashkow, the Board determined to impose the following sanctions:

- Two (2) year suspension, 3 months active
- \$10,000 civil penalty
- Continuing education: seven (7) hours in record keeping, seven (7) hours in pediatric internal medicine, seven (7) hours in emergency dental medicine, seven (7) hours in treating medically complex patient - to be completed within 12 months
- Costs of investigation and attorney's fees, following a review of the expenses submitted (hold the record open for two weeks to receive further information from Mr. Tanner (9/20), and two additional weeks for DAG Ehrenkrantz (10/5) to respond). The Board will determine the amount on 10/20 and enter a Final Order at that time.

XI. ADJOURNMENT

Motion by Dr. Cappetta, seconded by Dr. Dolinsky, adjourned the meeting at 1:00 PM