

NEW JERSEY STATE BOARD OF DENTISTRY

PUBLIC SESSION MINUTES

BOARD OFFICE  
NEWARK, NEW JERSEY

DECEMBER 16, 2009

**ROLL CALL:** The Public session part of the meeting was called to order at 9:50 A.M. by President, Dr. Emil Cappetta.

**ATTENDANCE:** The following members were in attendance:  
Shirley Birenz, RDH; Steven Brisgel; Emil Cappetta, DDS; Sheila Dashkow, DMD; Peter DeSciscio, DMD; 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:** Herbert Dolinsky, DDS  
- Mr. Brisgel arrived at 10:15 A.M. and Ms. Kupiec arrived at 11:45 A.M.

**I. APPROVAL OF MINUTES:** November 18, 2009 - Approved as amended

**II. EXECUTIVE DIRECTOR'S REPORT**

A. A-3011 - This bill permits dentists to complete up to one half of their continuing education hours by performing volunteer dentistry services; gives the Board the authority to designate certain fields of education as "core" topics that must be completed during a licensing period; and removes the current requirement of "40" credits, and replaces it with "a requisite number of credits as determined by the Board."

The Board in a motion by Dr. Feinberg, seconded by Dr. DeSciscio, voted in favor of the spirit of this bill, and has commented on similar matters in the past. The Board requests that the sponsors reduce the amount of allowable credits to 10 hours, and place a limit on the number of continuing education credits a dentist could obtain for services rendered to any one patient.

B. Report on meeting with members of the Dental Assisting National Board with Shirley Birenz to review the Dental Assisting Expanded Functions exam.

### **III. COMMITTEE REPORTS:**

#### **A. Credentials:**

##### **Dental Auxiliaries:**

1. Melissa Kendrick - Application for registration as a dental assistant. The committee recommended approval.
2. Valerie Heard - Application for registration as a dental assistant. The committee moved this to Executive Session for discussion.
3. Maria McAvoy - Ms. McAvoy's dental hygiene license has been inactive since 2001. The committee determined that she must complete a refresher course prior to reinstatement.
4. Leah G. Fisher - Application for registration as a dental assistant. Ms. Fisher attended a CODA approved program in the State of Washington. The committee recommended approval.

##### **Dental:**

1. Dr. Jerome M. Simon - Application for a New Jersey dental license. The committee recommended that additional information be obtained with regard to the Data Bank reports.
2. Dr. Jennifer Lee - Application for a New Jersey dental license. Dr. Lee took WREB exam. After reviewing data and scoring criteria for the exam, the committee recommended approval.
3. Dr. Anthony Montagna - Application for reinstatement of his New Jersey license. The committee requested that additional information be obtained with regard to the arrest disclosed on his application.

#### **B. Continuing Education:**

The committee recommended approval of five continuing education courses.

The Board in a motion by Ms. Birenz, seconded by Dr. DeSciscio, approved the committees' recommendations.

### **IV. PROPOSED LEGISLATION:**

1. A-4175 - The Board reviewed a proposed legislation which requires physicians, dentists and nurses to complete volunteer medical, dental and nursing services, as appropriate.  
The Board recognizes that there is a tremendous need to provide dental services to

under-served populations. The Board does not think that this proposal is the appropriate vehicle to adequately address this need.

2. S-3108 - The Board reviewed a proposed legislation concerning "New Jersey Broadband and Electronic Health Information Network Authority Act."  
The Board noted that it is neutral on this bill.

#### **V. ADDITIONAL INFORMATION REQUESTED FOLLOWING HIS APPEARANCE BEFORE THE BOARD SEEKING REINSTATEMENT OF HIS LICENSE**

1. Dr. John Kallis - The Board determined to issue a letter that details the restrictions on Dr. Kallis's license. Deputy Attorney General Nancy Miller spoke with Dr. Kallis and Ms. Fruchtman, counsel for Dr. Kallis.

#### **VI. REQUEST FOR REMOVAL OF RESTRICTIONS ON HIS LICENSE**

1. Dr. Michael Boyer - The Board reviewed correspondence from the Professional Assistance Program supporting the removal of the restrictions from Dr. Boyer's license and conversion to a Private Letter Agreement.  
The Board in a motion by Dr. Feinberg, seconded by Dr. Hall, accepted the recommendations of the Professional Assistance Program and will issue a Private Letter Agreement.
2. Dr. William S. Ditchkus - The Board reviewed a request that the probation imposed on Dr. Ditchkus' license be terminated. The Consent Order was filed on May 16, 2007 and his license was placed on probation for five years. The Board denied the request at this time.

#### **VII. OTHER MATTERS**

1. The Board reviewed information from the Joint Commission on National Dental Examinations. The Board took this as informational.

#### **VIII. HANDOUTS**

2. The Board reviewed a copy of Latisse Regulations from Arizona Board. The Board took this as informational.
3. The Board reviewed the Pennsylvania Board Newsletter with regard to Tooth Whitening Centers. The Board took this as informational.

#### **IX. APPEARANCES**

1. 10:00 A.M. - Dr. Daniel Ripps - Application for reinstatement of his New Jersey dental license. Dr. Ripps' license was revoked in 1995.

The Board moved to Executive Session to hear his testimony about his personal medical history, and deliberate about this matter. The Board returned to public session.

The Board tabled the application pending receipt of additional information from

2. 1:00 P.M. - Dr. Gary Schneiderman - Mitigation Hearing on the Complaint filed by the Board on June 12, 2009. Deputy Attorney General David Puteska appeared on behalf of the Attorney General. Dr. Schneiderman appeared with counsel, Lori Grifa, Esq.

Dr. Rosenheck, Dr. DeSciscio, Dr. Ricciani and Dr. Dolinsky were recused.

Based on stipulated facts, a motion was made by Ms. Birenz, seconded by Dr. Feinberg, that Dr. Schneiderman has engaged in conduct that provides a basis for discipline. The motion carried. The Board then moved to a hearing in mitigation of the sanction to be imposed.

Opening Statements were made by DAG Puteska and Ms. Grifa.

Ms. Grifa requested to present David Lustbader, Esq., as a witness. The Board requested offer of proof for the reason for testimony from Mr. Lustbader. The Board moved to Executive Session to receive advice from counsel.

Upon return to public session, the Board declined to hear from Mr. Lustbader.

Ms. Grifa presented the following witnesses:

- Max Klein, Executive Director, Jewish Fed. Metro West
- Rudy Fernandes, Esq., Councilman, Livingston
- Dr. Carmine LoManoco, UMDNJ
- Mrs. Jill Schneiderman
- Dr. Gary Schneiderman

Closing statements were made by Ms. Grifa and DAG Puteska. The Board moved to Executive Session for deliberation.

The Board in a motion by Ms. Birenz, seconded by Mr. Brisgel, determined the following:

- 5 year suspension, 4 months active, the remainder served as a period of probation.
- \$150,000 civil penalty payable over 10 years
- Costs
- 200 hours of non-dental community service in a drug-treatment related facility in - - Newark, Paterson or Camden, approved by the Board, to be completed within one year. He must give bi-weekly reports of his activities as a volunteer.
- Successful completion of an ethics course (ProBe/PRIME)
- Upon return to practice he must use triplicate prescription blanks.

The decision was unanimous.

## **IX. ADJOURNMENT**

