

# New Jersey State Board of Dentistry

December 5, 2001

## Public Meeting Minutes

The meeting was called to order at 10:00 A.M. by Dr. Emil Cappetta, President of the Board.

### **OPEN PUBLIC MEETINGS ACT NOTICE:**

Read by Kevin Earle, Executive Director.

### **ATTENDANCE:**

The following members of the Board were in attendance:

Dr. Valentine Bloch; Dr. Emil Cappetta; Mr. Louis Cardena; Dr. Anthony Chibbaro;; Mrs. Helen Huber; Dr. William Orlacchio; Dr. John Ricciani; Dr. Arnold Rosenheck; Dr. Abraham Samansky.

### **ADDITIONAL ATTENDEES WERE:**

Nancy Costello Miller, Deputy Attorney General; Rhonda Pope Stephens, Deputy Attorney General; Bernadette Dudek, Division Representative; Kevin B. Earle, Executive Director; Cecilia Moreira, Management Assistant.; Michael Dominach, Paralegal

### **ABSENT AND/OR EXCUSED:**

Patricia Delaney, RDH; Dr. Barbara Rich

**APPROVAL OF MINUTES** - November 7, 2001 - Approved as amended.

### **EXECUTIVE DIRECTOR'S REPORT:**

Update on the license renewal extensions by Kevin Earle. Dental licenses have been extended until January 15, 2002 and Dental Hygiene licenses have been extended until March 1, 2002. Controlled Dangerous Substances registrations for dentists have also been extended until March 1, 2002.

Revised application for General Anesthesia Permit was provided by Kevin Earle. This application was referred to committee for review.

### **COMMITTEE REPORTS:**

#### **Dental Applications:**

The committee recommends that the following applications be approved for licensure by N.E.R.B. past five years:

- Dr. Jerome Daniel
- Danny Alcantara

William B. Kessler Memorial Hospital Dental Clinic - The committee discussed this application for a dental clinic permit. The committee recommends that the Dental Director and the dentist in charge at this clinic be requested to appear before a committee of the Board to discuss this application (Dr. Orlacchio, Dr. Bloch & Dr. Rosenheck).

Dr. Raymond Haigney - The committee discussed a request from this licensee for a dental license in New Jersey by reciprocity. Dr. Haigney is currently practicing in Nebraska but has not been in that State for five years. The committee recommends that the dentist must take NERB in order to qualify for a dental license in New Jersey. He does not meet the five year of practice requirement in another State.

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

## **PROPOSED REGULATION:**

N.J.A.C. 13:30-8.18 - Proposed Rule on Dental Decisions Affecting Treatment; Obligations; Professional Misconduct - The Board reviewed the hearing officer's report. Legal arguments were raised by the hearing officer. Specifically, commenters have made statements that the implementation of this proposal will result in either increased cost to the carrier and to the consumer or a possible decrease in coverage, or both. The Board tabled discussion of this proposed regulation along with the comments received and hearing officer's report until January 2, 2002. The Board requested that a letter be sent to all commenters requesting an explanation of how specifically the implementation of the regulation will or will not increase such costs or provide the Board with objective evidence to support or refute the statements made in the comments and/or testimony. Dr. Rosenheck and Dr. Ricciani were recused.

## **REQUESTS FOR REINSTATEMENT OF LICENSE FOLLOWING DISCIPLINARY ACTION:**

Judd Garson, DDS - The Board reviewed a request for reinstatement of license which was surrendered by Consent Order on June 7, 2001. The Board in a motion by Dr. Bloch, seconded by Dr. Rosenheck determined that Dr. Garson be scheduled for an appearance before the Board.

Peter McColgan, DMD - The Board reviewed a request for reinstatement of license which was revoked on December 1, 1998. The Board tabled this request pending receipt of DAG Eleanor Bernstein's response in this matter.

## **REQUESTS THAT DISCIPLINARY ACTION BE RESCINDED OR VACATED:**

Achara D. O'Brien, DDS - The Board reviewed a request from Dr. O'Brien that the disciplinary action record be cleared. An advertising penalty was sent and paid for, however, Dr. O'Brien indicates that he was never aware of this penalty nor was it paid by him. The Board in a motion by Dr. Chibbaro, seconded by Dr. Bloch rescinded the Uniform Penalty Letter from the disciplinary action record.

Dr. Dwight Garcia - Dr. Bloch recused himself. The Board reviewed a request for an expungement of the disciplinary action taken. A Final Order was filed by the Board on July 25, 1996 suspending Dr. Garcia's license to practice dentistry for sixty days along with costs and penalties for his failure to comply with Board requests and subpoena. The Board in a motion by Dr. Chibbaro, seconded by Dr. Orlacchio declined his request. The Board does not have an expungement process.

## **RESPONSE TO UNIFORM PENALTY LETTER:**

Dr. Cheryl Birnbaum - The Board reviewed a response submitted by John Paul Dizzia, Esq. to the Board's Uniform Penalty Letter assessing a \$1,000 penalty for an advertising violation. Dr. Birnbaum contests the imposition of the proposed penalty because she indicates that she neither directed, approved or acquiesced in the publication of the advertisement. The Board requested that Dr. Birnbaum provide information as to who placed, authorized and paid for the advertisement.

## **CONTINUING EDUCATION - REQUEST FOR WAIVER:**

Pradeep Ramakrishnan, DDS - The Board reviewed a request for a waiver of the continuing education credits for licensure renewal. The Board determined that a letter be sent requesting the following:

- The reason for not taking the credits.
- How many credits were taken to date.
- Proof of the credits taken for the last renewal.

Once this information is obtained, the request will be considered by the Board.

## **INCIDENT REPORTS:**

1. Carmella Fanelle, DDS
2. Ronald Federman, DDS - (Dr. Bloch recused himself)
3. Joseph J. Iavarone, DMD
4. Robert W. Deatrck, Jr., DDS
5. Nancy Herbst, DDS

The incident reports were taken as informational.

## **DEPUTY ATTORNEY GENERAL'S REPORT FILED ORDERS:**

### **Richard H. Williams, D.D.S.      DI 10949**

Final Order of Discipline filed on October 9, 2001. Failed to pay the required fees and failed to respond to the Board's request for submission of the renewal fees for the 1997-1999 renewal periods. ORDERED: Registration as a dentist indefinitely suspended as of October 17, 2001. The suspension shall continue until such time the sum of \$725 is submitted which reflects the \$225 registration fee and late fee and a civil penalty in the amount of \$500 for failing to comply with the Board for those fees.

### **Michael Felber, D.D.S.      DI 20145**

Consent Order filed on November 14, 2001. Arrested for possession of CDS, marijuana, and drug paraphernalia. ORDERED: Submit to urine samples four times a month; evaluation by the New Jersey Chemical Dependency Program or the Physician's Health Program; and cost in the amount of \$663.93

### **John P. Leonard, D.M.D.      DI 10467**

Interim Consent Order filed on November 14, 2001. Convicted of a petty disorderly persons offense relating to lewd conduct. Had taken CDS prescribed by his treating dentist and not advised the dentist that he had a history of abuse related to Percocet. Records did not reflect treatment for patients on dates when he had written prescriptions for CDS for those individuals. ORDERED: Cease and desist from writing prescriptions for CDS and shall submit CDS registration to the Board immediately; shall notify DEA of suspension of CDS privileges; shall immediately enroll in the Physicians Health Program to submit to physical and psychological examinations; shall not possess any CDS except for pursuant to a bona fide prescription written.

### **Marc Barry Gelber, D.M.D.      DI 08895**

Final Decision and Order after POD Hearing filed on October 30, 2001. Failed to complete continuing education credits. ORDERED: The Board shall accept fifty continuing education credits and shall apply these courses toward any outstanding credit hours for the 1997 and 1999 renewal periods; license shall be suspended effective November 1, 2001, if he fails to submit proof of the continuing education credits required for the 1999-2001 renewal, i.e. seventeen credits hours, on or before October 31, 2001, and it shall remain suspended until he provides proof of completion and complies with the terms of the Order; Civil penalty in the amount of \$2500 for failing to complete the required continuing education credits in a timely fashion for the 1997 and 1999 biennial renewals and costs of \$295.

### **Karen Spyrton-Marker, R.D.A.      DP 002342**

Provisional Order of Discipline filed on November 14, 2001. Convicted of a crime of moral turpitude and relates adversely to the practice as a Dental Assistant. PROVISIONALLY ORDERED: One year suspension, the first forty-five days of the suspension shall be active and the remainder of the suspension stayed and served as a period of

probation.

**Larry Berman, D.D.S.      DI 13347**

Consent Order filed on November 11, 2001. Dental office maintained in an unsanitary condition. ORDERED: One year suspension stayed and served as a period of probation ; Civil penalties in the amount of \$7500 and costs of \$1,568.28; random audits.

**Richard Rivman, D.D.S.      DI 16621**

Consent Order filed on November 14, 2001. Failed to maintain adequate patient and billing records and bridge work that did not fit properly and had open and short margin. CONSENT TO: Payment of \$9,700 in restitution for the bridge and laminates; completion of 35 hours of continuing education in anterior esthetic dentistry with an emphasis on laminates , anterior crown and bridge and treatment planning and costs of \$193.13.

**OTHER MATTERS:**

Dr. Sean Fenton - Settlement Letter - The Board was informed that Dr. Fenton had signed a Settlement Letter and provided the required restitution, but had crossed out certain findings in the Settlement Letter. The Board office was instructed to inform Dr. Fenton that despite the fact that the sentence was crossed out, the Board's findings remain.

John G. McIntyre, Jr., DDS - Provisional Order of Discipline. Dr. McIntyre has not submitted a response. The Board was informed that an attorney had been retained and an extension was granted to file a response until December 24, 2001.

NJDA - The Board reviewed a letter from Arthur Meisel, Esq. concerning inquiry from Ira Cheifetz, DMD on the selling of narcotics to patients. The Board tabled this matter for further discussion.

Response from Cynthia C. Durley, Executive Director, Dental Assisting National Board to the Board's inquiry concerning the offering of the DANB examination in any language other than English from Jorge Y. Carcamo, DMD. Ms. Durley responded that the issue of compromised validity is of great concern. The Board directed that a copy of Ms. Durley's response be sent to Dr. Carcamo.

Request for a signed Statement of Confidentiality from the Central Regional Dental Testing Service, Inc. in order to receive CRDTS examination results. The Board was informed that the confidentiality provision might be superseded by the new Open Public Records Act which is expected to be passed by the Legislature.

ADA - The Board discussed a questionnaire concerning the "2001 Task Force on National Board Examination Eligibility Requirements". The Board answered affirmative to the questions presented.

Dr. Philip Schragger - The Board reviewed a request from Mr. Bertuccio for an adjournment of the scheduled hearing and Mr. Harper's response to this request. The Board denied Mr. Bertuccio's request for an adjournment.

Board Committee Appointments - Dr. Cappetta made the following appointments to committees:

**ADVERTISING**

Dr. Anthony Chibbaro  
Mrs. Helen Huber  
Dr. John Ricciani

**LICENSING AND CREDENTIALS**

Dr. William Orlacchio  
Ms. Patricia Delaney  
Dr. Abraham Samansky

## **CONTINUING EDUCATION**

Ms. Patricia Delaney  
Dr. William Orlacchio  
Dr. Barbara Rich

## **ANESTHESIA/SEDATION**

Dr. Valentine Bloch  
Dr. William Orlacchio  
Dr. John Ricciani  
Dr. Arnold Rosenheck

## **HYGIENE/DENTAL AUXILIARIES**

Ms. Patricia Delaney  
Dr. Anthony Chibbaro  
Dr. Barbara Rich  
Mrs. Helen Huber

## **RULEMAKING**

Dr. Barbara Rich  
Ms. Patricia Delaney  
Dr. Emil Cappetta  
Mrs. Helen Huber  
Dr. Valentine Bloch

## **NEWSLETTER**

Dr. Valentine Bloch  
Dr. Abraham Samansky  
Dr. John Ricciani  
Mr. Louis Cardenas

## **BOARD CONSULTANTS**

Dr. Barbara Rich  
Dr. Emil Cappetta  
Dr. Abraham Samansky  
Dr. Anthony Chibbaro

## **SECRETARY'S REPORT:**

The Board in a motion by Dr. Bloch, seconded by Dr. Chibbaro approved the list of applicants for licensure and specialty permits.

## **APPEARANCE:**

3:00 P.M. - Michael F. Parise, D.D.S. - Status conference concerning his request to remove restrictions placed on his license as indicated in the Board's Order of Reinstatement dated 3-20-2000.

Dr. Parise appeared before the Board along with Dr. William Keene from the NJDA Chemical Dependency Program. The Board addressed Dr. Parise's recovery and compliance with the terms of the Board's Order. Dr. Keene supported Dr. Parise's request for removal of the restrictions placed on his license.

At the conclusion of all questioning, the Board moved to Executive Session for discussion of Dr. Parise's request.

The Board returned to Public Session and in a motion by Dr. Chibbaro, seconded by Dr. Bloch determined the following:

- The requirement that Dr. Parise be monitored was removed.
- CDS privileges are reinstated, however, triplicate sequentially numbered prescriptions must be used with copies submitted to the Board office on a quarterly basis along with the relevant treatment.
- Continue counseling as recommended by Dr. Schnapps
- Attendance at AA/NA no fewer than two times per week.
- Random urine monitoring three times per month

**ADJOURNMENT:**

<a href="#">State Board Dentistry</a>	<a href="#">Medical and Mental Health Related Professional Boards</a>	<a href="#">Feedback Survey</a>	<a href="#">Consumer Affairs Home Page</a>	<a href="#">NJ Dept. of Law and Public Safety Home Page</a>	<a href="#">State of NJ Home Page</a>
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*Posted March 2002*