NOTE: The Public Session Agenda started at 9:30 A.M.

The meeting was called to order by Dr. Herbert Dolinsky

ATTENDANCE: The following members were in attendance:
Mr. Steven Brisgel; Emil Cappetta, DMD; Sheila Dashkow, DMD; Lydia David, DMD; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Alexander Hall, DMD; Beverly Kupiec, RN, Ph.D.

ABSENT AND/OR EXCUSED: Shirley Birenz, RDH; Mr. Jerome Fernandez; Arnold Rosenheck, DMD

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

I. APPROVAL OF MINUTES: February 16, 2011 - Approved as amended

II. EXECUTIVE DIRECTOR’S REPORT:

The Board office received 98 applications and issued 108 licenses in the month of February, 2011.

III. COMMITTEE REPORTS:

1. Credentials:

   - Dr. Mitra Abdollahi - Application for reinstatement of her dental license, which was tabled from a previous meeting. A Consent Order was filed on May 8, 2009 with a five year suspension, 2 years active (6/9/09 through 6/9/11). Pamela Mandel, Esq. submitted a request to reinstate the license as of March 1, 2011, and represents that she has made full restitution and paid $103,409.77 in court ordered penalties. The Board also reviewed a report from the PRIM-E course completed by Dr. Abdollahi.

   The Board in a motion by Dr. Hall, seconded by Dr. Feinberg, determined to reinstate the license early with an order including conditions in original order, and following the completion of the necessary reinstatement paperwork.
- Dr. Walter Bilotta - Application for reinstatement of his dental license. Dr. Cappetta and Dr. David were recused on this matter. Dr. Bilotta submitted a report from the PAPNJ with his application. The Board, in a motion by Dr. Feinberg seconded by Dr. Hall, moved this matter to executive session for deliberation. The Board determined that additional information be obtained.

- Mary Driscoll-Hodgson, RDH - Inquiry as to whether she meets requirements for licensure as a dental hygienist in New Jersey. Ms. Driscoll-Hodgson has an active license in Connecticut, but has not engaged in the active practice of dental hygiene since 1995. The Board in a motion by Dr. Feinberg, seconded by Dr. Dashkow, determined to issue a license following the successful completion of either a clinical refresher course or the NERB clinical exam.

Dr. Sanjay Karungaran - Application for a dental license. Dr. Karungaran took the Michigan state exam which was a comparable exam to NERB when he took it. The Board approved this application.

2. Continuing Education:

The committee recommended approval of remedial education. The Board approved the recommendations.

IV. PROPOSED REGULATION

1. Board of Dentistry - Proposed regulation: 13:30-8.1 Fee schedules and 13:30-8.4A Administration of injectable pharmacologics. Proposed for public comment on November 1, 2010. The Board received eight comments on the proposal with concerns and objections to the language in the proposal.

Comments received from:
- Lawrence Downs, Esq., General Counsel, Medical Society of New Jersey
- William D. James, MD, FAAD, President, American Academy of Dermatology Assoc.
- Louis Malcmacher, DDS, President, American Academy of Facial Esthetics
- Sandra E. Vause, MD, President, Dermatological Society of New Jersey
- Richard G. Bennett, MD, American Society for Dermatologic Surgery Association
- Bruce G. Freund, DDS, CEO & Zev Schulhof, DMD, MD, President, American Academy of Facial Cosmetics
- Philip C. Haeck, MD, FACS, President of American Society of Plastic Surgeons and Gary Smotrich, MD, FACS, President of New Jersey Society of Plastic Surgeons
- Michael D. Maves, MD, MBA, American Medical Association
Several commenters offered opinions that use of these products and performing such procedures carry risk and that dentists do not have adequate training. The Board noting that the rule permits dentists to use the pharmacologics in the peri-oral area, stated that dentists receive extensive training in facial aesthetics, including vertical dimension, occlusion, patient profiles, and the understanding of the entire musculature that exceeds the curriculum in medical schools. Further, dentists have training in taking medical histories and assessing patients to determine suitability of treatment. The proposed course of study in the administration of these products to be successfully completed prior to providing these services to the public is designed to reinforce that education.

The Board also noted that many of the comments were pejorative to dentists, and displayed ignorance about the training and experience of dentists. The denigration of that training is specious; the commenters’ silence about the lengthy and comprehensive training of dental specialists speaks to the lack of understanding of the dental field.

Several commenters also questioned the Board’s authority to promulgate regulations citing the scope of practice of dentistry. The Board in interpreting its practice act, has determined that use of these products as set in the regulation is consistent with NJSA 45:6-19. The Board provided its proposal to the Board of Medical Examiner’s executive committee prior to publication, without objection.

The Board will make a technical change to include “medical device” in the definition of the pharmacological agents.

The Board in a motion by Dr. Feinberg, seconded by Dr. David, moved to adopt the proposal with the technical changes. The Board also voted to adopt the change in the reinstatement fee for registered dental assistants from $200 to $100.

V. APPLICATION FOR REINSTATEMENT OF LICENSE FOLLOWING CONSENT ORDER OF VOLUNTARY SURRENDER OF LICENSE FILED ON MAY 19, 2010:

1. Dr. Helena Devaris - Dr. Devaris voluntarily surrendered her license by Consent Order filed on May 19, 2010. The Board reviewed a report from Dr. Ricardo Fernandez, and a request from Miles Feinstein, Esq., that Dr. Devaris be permitted to resume the active practice of dentistry. The Board in a motion by Dr. Feinberg, seconded by Dr. Hall, move this matter to Executive Session.

The Board determined to reinstate her license by Order with conditions.
VI. REPORTS FROM THE PROFESSIONAL ASSISTANCE PROGRAM IN FOLLOW-UP TO BOARD ORDERS

1. Dr. Kenneth Avery - Dr. Avery surrendered his license as of January 19, 2011. The Board reviewed a report from the PAPNJ dated February 11, 1011, and a request from Dr. Avery to use temporary placement agencies to operate his practice while his license is suspended. The Board approved that request.

2. Dr. Nicholas Breen - A Consent Order of Reinstatement was filed on June 17, 2010, which permitted Dr. Breen to reinstate his license following the completion of eighty credit hours of hands-on continuing education. To date, Dr. Breen has not complied with this requirement. The Board reviewed a request made through the PAPNJ to reduce the frequency of the tests and screens, until Dr. Breen returns to practice. The Board approved that request.

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

Additional information requested:

1. Dr. Justin Morris - At the meeting held on December 1, 2010, the Board reviewed a report of an incident that occurred on September 29, 2010. The Board requested additional information. The Board reviewed the information submitted and received it as informational.

New reports:

1. Dr. John R. Maloney - The Board reviewed a report of an incident that occurred on February 2, 2011. This was received as informational.

2. Dr. Timothy Straouse - The Board reviewed a report of an incident that occurred on January 29, 2011. This was received as informational.

3. Dr. Hugo Quinones - The Board reviewed a report of an incident that occurred on February 10, 2011. This was received as informational.

VIII. THE FOLLOWING ORDERS WERE FILED WITH BOARD

1. Dr. Jonathan M. Friedman - The Board reviewed a Consent Order of Reinstatement that was filed on January 19, 2011.
2. Dr. Kenneth Avery - The Board reviewed Consent Order of Voluntary Surrender of Licensure that was filed on January 19, 2011.

3. Dr. Butler Redd - The Board reviewed a Final Order of Denial of Licensure that was filed on January 19, 2011.

4. Dr. Patrick Quaranta - The Board reviewed an Order Removing Restrictions on License filed on February 14, 2011.

5. Dr. Joseph Hannah - The Board reviewed an Order Removing Restrictions on License filed on February 14, 2011.

6. Dr. David I. Kalter - The Board reviewed an Order Removing Restrictions on License filed on February 14, 2011.

7. Dr. Jeffrey Aron - The Board reviewed a Consent Order filed on February 14, 2011.

The Board took these Orders as informational.

IX. OTHER MATTERS

1. Correspondence from Dr. Lara Hartleben requesting clarification on the need for an Enteral Sedation permit for prescribing or administering valium before treatment to address anxiety. Under NJAC 13:30-8.4 if she is prescribing multiple dosages, she may need a permit. If it is one dosage to take prior to treatment, she may not require a permit. DAG Miller will review the prefatory language from the regulatory proposal on Enteral Sedation.

PUBLIC COMMENT

1. Dr. Massana - A question about implementing the technology of “cloud computing” in a dental office. The acting president referred this matter to a committee to consider and make recommendations to the full board for regulatory changes.

2. Arthur Meisel, Esq (New Jersey Dental Association) - Question about the general anesthesia and parenteral conscious sedation requirement to have other staff members present to assist. Dr. Dolinsky clarified that the intent was that the staff members are present in the operatory during the procedure.

3. Question about registered dental assistants and coronal polishing - This will be discussed at the next meeting.

X. ADJOURNMENT - The Board in a motion by Dr. Feinberg, seconded by Dr. Cappetta, adjourned the Public Session at 10:45 A.M. and moved to Executive Session for advice of counsel and review of open matters (investigations and deliberations).