

Memo

To: Lauren Jaccodine, Jodie Heimbach, Becky Pugh, Susan Singer, Gail Woller, Natale Carmela, Carolyn Breen, Rhoda Gladstone, Winnie Furnari, Sandra Berger and Tina Modi

From: Paul J. Bent

CC: Becky Pugh / Russell F. Bent

Date: August 8, 2014

Re: NJ State Board of Dentistry Public Session

On Wednesday, August 6th, I had the pleasure of attending the meeting of the NJ State Board of Dentistry Public Session. The meeting was held at the Board Office in Newark and covered the following:

I. APPROVAL OF MINUTES: July 16, 2014 - Approved

II. COMMITTEE REPORTS:

A. Applications:

1. Dr. Marshall Solomon - Application for a dental license. 71 year old licensed in New York with a focus on pathology seeking licensure here by credential. While the Board was curious as to what Dr. Solomon was going to be doing in New Jersey his application was complete and approved.

Dr. Riley (Not on Agenda) – An out of state dentist seeking a limited registration certificate. Dr. Riley has a data bank report and staff are questioning if that would make him ineligible for the certificate.

At issue is the word "adverse". The statute creating the certificate says that any adverse criminal or data bank report would be grounds for rejection. It also says, however, that applicants will be held to the same standard as those seeking normal licensure.

The Board decided that it will treat "adverse" as it would on any other data bank report and make a determination on a case by case basis.

B. Continuing Education:

3 remedial courses were approved. Other courses were under review and would be discussed later in the day.

III. NOMINATIONS & ELECTIONS FOR PRESIDENT AND VICE-PRESIDENT OF THE BOARD:

President: Shirley Birenz, RDA
Vice President: Emil Cappetta, DDS

Both nominations above ran uncontested and were elected by a unanimous vote.

I would note that Dr. Beverly Kupiac had been nominated for Vice President but turned it down out of concern that it would conflict with her work at the Department of Health.

IV. PROPOSED MEETING DATES FOR 2015:

Board discussed several potential conflicts. Staff will review and draft a schedule for next year for the Board to review at its next meeting.

V. FILED ADMINISTRATIVE COMPLAINT AND ANSWER:

1. Dr. Edmund Caruso - Additional information requested by the Board in order to determine to retain the case or transfer to the Office of Administrative Law for a hearing.

No specifics were given about the case against Dr. Caruso. Because of the expected 3 to 8 days of testimony the Board voted to refer the matter to the Office of Administrative Law (OAL).

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

1. Dr. Gary M. Brousell – 64 year old female sent to the ER. No further details were provided by the Board which moved this to Executive Session.

2. Dr. John L. Little – 54 year old female reported “feeling sick” prior to treatment. Board moved this matter to Executive Session at the request of Dr. Riva.

3. Dr. Richard Weber – 49 year old male patient, received LA for an unspecified procedure, suffered a seizure while under care. Board accepted as informational.

4. Dr. Thomas R. Hada – 63 year old male patient was referred to the ER following 4 days of swelling and trouble swallowing. Board moved this to Executive Session.

5. Dr. Michael F. Sullivan – 64 year old male taken to ER by ambulance following passing out. Board voted to move this to Executive Session.

VII. ORDERS/SETTLEMENTS FILED WITH THE BOARD:

1. Dr. Justin Fried
2. Dr. Michael Horwitz
3. Dr. Ian M. Cantor
4. Dr. Ronald H. Marshall

All four accepted as informational.

VIII. OTHER MATTERS:

1. Correspondence from Gail Scarola-Villanueva, RDA, Instructor/Owner of Dental Assistant Services concerning the DANB Expanded Functions exam. Ms. Scarola-Villanueva is an RDA

instructor and is concerned about certain procedures that are being taught by are not on the DANB exam. She asks why are they teaching them? Board felt that this ties into the review they are doing on LRDA(O) and has referred this letter to the Regulations Committee.

2. Dr. Roben Brookhim - Request from Stephen B. Ravin, Esq. concerning Dr. Brookhim's patient records. This is a case with significant history.

In 1998, Dr. Brookhim had his license suspended for two years for insurance fraud. He returned to practice in 2000. In 2004, the Board learned that Dr. Brookhim had been practicing during the period of his suspension and revoked his license.

Dr. Brookhim then began doing some work for a Dr. Kirkland. Dr. Kirkland became ill and eventually passed away. Dr. Brookhim assumed Dr. Kirkland's identity and began treating patients under the name of Dr. Kirkland. This involved a total of four practices. This was eventually discovered and Dr. Brookhim was arrested and is now in prison.

The courts appointed an attorney (Mr. Ravin) to wind down the practices. Mr. Ravin has done that over the past several years but still has about 18 banker boxes of patient records in his possession from the practices.

The Board initially was going to ask that they advertise one more time for patients to pick-up their records and then authorize their destruction. The Board was concerned about the loss of records, however, and has asked staff to see if there is an easy way to notify the patients. Staff will review and report back to the Board.

Public Comments:

Art Meisel, NJDA – Understands that an RDA can polish coronal surfaces with a pumice in a rubber cup. He is asking if an RDA can do the same with a prophylaxis paste. The Board initially was going to respond no, that the regulations say pumice and water only, however, since there was some confusion the Board tabled this so that they can review past minutes to see what was said in the past.

While before the Board, Mr. Meisel was asked if dentists were having any problems getting the new prescription pads which must be used on August 19th going forward. Mr. Meisel responded that he understood there was a backlog and that some dentists may not have the new pads by August 19th. The Board, by a 6 to 3 vote, voted to ask the Division of Consumer Affairs to extend the August 19th deadline until the backlog has been dealt with.

Paul Bent, NJDHA – Welcomed and introduced himself to the new members of the Board and informed them of the NJDHA's desire to work with them on dental hygiene issues that come before the Board.

IX. ADJOURNMENT: