

NEW JERSEY STATE BOARD OF DENTISTRY  
PUBLIC SESSION MINUTES  
NEWARK, NEW JERSEY  
NOVEMBER 6, 2019

NOTE: The Public Session was called to order at 10:00 A.M. by President Elizabeth Clemente, DDS

ATTENDANCE: The following members were in attendance:  
Elizabeth Clemente, D.D.S.; Steven C. Cohen, D.M.D; Nicholas C. DeRobertis, D.M.D.; John E. Feeney, D.D.S; Steven Goldstein D.D.S.; Linda Hecker, R.D.H; Roger Kriete, D.M.D.

OTHER ATTENDEES: Deputy Attorney General Miller and Goulding; Executive Director Jonathan Eisenmenger, Cecilia Moreira Senior Management Assistant; Ileana Botelho, Confidential Assistant

ABSENT AND/OR EXCUSED: Daniel M. Dicesare, DMD; Ms. Nicole DeMuro; George McMurray, D.D.S.; Mr. Kevin Reich; Asha Samant, D.M.D.

APPROVAL OF MINUTES: September 18, 2019  
October 16, 2019  
The minutes were approved as amended.

**I. PROPOSED REGULATION:**

Amendments to N.J.A.C. 13:30-8.18 which implements statutory changes enacted under P.L. 2017. 341 and incorporates suggested changes from NJ Cares concerning controlled dangerous substances and prescription monitoring.

This proposal will align the Board's regulation with statutory amendments enacted in January 2018. Specifically, the proposal is defining "chronic pain" and "initial prescription". Additionally, the proposal mandates co-prescribing of Naloxone in certain situations.

The Board in a motion by Ms. Hecker, seconded by Dr. DeRobertis, determined to approve the proposal for publication in the New Jersey Register.

**II. COMMITTEE REPORTS:**

1. Continuing Education (committee report on new applications.)  
The Board in a motion by Dr. DeRobertis, seconded by Dr. Goldstein, approved the committee recommendations.

On October 2, 2019 the Board determined that a licensed dentist from another country can attend a course but cannot participate hands-on. Dr. Rasner questions whether that applies to all countries including Canada. The Board sustained its previous decision that absent a license in another state and proof of malpractice insurance, the individual can be present but cannot participate.

### **III. REPORTS SUBMITTED PURSUANT TO N.J.A.C. 13:30-8.8:**

1. Dr. Alexa Mendes – Received as informational.
2. Dr. Jonathan Feder – Received as informational.
3. Rutgers School of Dental Medicine (3 reports) – All three reports were received as informational.
4. Dr. Aleksandr Vasenko – Received as informational.
5. Dr. Jeffrey Seiger – Received as informational.

Moved from Executive Session:

1. Dr. Mark Johnson – The Board reviewed additional information following an incident report that occurred in the office in Executive Session. After reviewing the additional information, the Board determined to take this matter as informational.

### **IV. ORDERS/SETTLEMENTS FILED WITH THE BOARD:**

The following Orders were taken as informational:

1. Dr. Victor Lucia, Jr. – Settlement Letter filed on October 2, 2019.
2. Dr. Dominick Serini – Settlement Letter filed on October 7, 2019.
3. Dr. Jennifer Lamphier – Order of Immediate Suspension of License filed on October 23, 2019.
4. Dr. Frederick D. Bailey – Final Consent Order filed on October 24, 2019.

### **V. CORRESPONDENCE:**

1. Dr. Robert Korwin – The Board reviewed an inquiry from Dr. Korwin concerning the permissibility of conducting examinations via tele-dentistry methods. He questions the following:
  - Whether this would allow the procedure of dental exam, on a patient of record, when a hygienist performs a prophylaxis, but the dentist is not on the same premises as the hygienist and patient.
  - Would this permit the tele-dentistry diagnosis of a dental emergency, and allow the dentist to make recommendations to the patient.
  - Would this be regarded as a billable procedure?

The Board noted that the statute controls what can or cannot be done. The Board is in the process of proposing regulations that address tele-dentistry. The Board indicated that everything has to be done within the standard of care. The Board will take these inquiries into consideration as it continues to work through the regulatory process.

2. Dr. Arthur W. Thurm – The Board reviewed an inquiry concerning assignment of a dental specialty number as a dental anesthesiologist. He states dental anesthesiology has been recognized as a specialty by the National Commission on recognition on Dental Specialties and Certifying Boards.  
The Board noted that a dentist may advertise truthfully and indicate that he or she has earned a specific credential and identify the organization granting that credential. At this time, the Board is not issuing permits for newly recognized specialty areas. The Board is working to amend its regulations to address this issue.
3. Dr. Ira Goldberg – The Board reviewed an inquiry as to whether dental hygienists and dental assistants can remove and replace certain dental prostheses under indirect supervision.  
The regulations contain the scope of practice of both dental hygienists and dental assistants. Registered dental assistants must always work under director supervision. The scope of practice of dental hygienists under general supervision is limited to the list in the regulations.  
The Board determined that Dr. Goldberg be advised that the procedures he described do not fall under the scope of practice of either registered dental hygienists or registered dental assistants, regardless of the level of supervision.
4. The Board reviewed information concerning The Multidisciplinary Comprehensive Assessment Program (MCAP) of Chicago Positive Sobriety Institute for health care and other professionals. This was received as informational.

#### **VI. PUBLIC COMMENT:**

1. Arthur Meisel, Esq., counsel for New Jersey Dental Association requested a status update on the proposal for Telemedicine. The proposal is under internal review.
2. Paul Bent from the Dental Hygiene Association requested a status update on the Sunset Regulation. The Board anticipates publication in the near future.

**VII. ADJOURNMENT:** The Board in a motion by Ms. Hecker, seconded by Dr. DeRobertis, adjourned the Public Session and moved to Executive Session for advice of counsel and review of open matters (investigations). When and if action is taken, it will be reported in Public Session.