

NEW JERSEY STATE BOARD OF DENTISTRY  
PUBLIC SESSION MINUTES  
NEWARK, NEW JERSEY  
APRIL 5, 2017

NOTE: The Public Session was called to order at 10:00 A.M. by President Nicholas C. DeRobertis, DMD

ATTENDANCE: The following members were in attendance:  
Elizabeth Clemente, DDS; Peter Clemente, DMD; Nicholas C. DeRobertis, DMD; Daniel M. Di Cesare, D.M.D.; John E. Feeney, D.D.S.; Steven Goldstein, DDS; Linda Hecker, RDH; Roger Kriete, DMD; Jonathan Mangot, DMD; George McMurray, D.D.S.

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

ABSENT/EXCUSED: Beverly Kupiec, PhD, RN

**I. APPROVAL OF MINUTES:** March 1, 2017 - The Board in a motion by Ms. Hecker, seconded by Dr. Goldstein, approved the minutes as amended.

**II. COMMITTEE REPORTS:**

**A. Continuing Education:**

The Board in a motion by Dr. E. Clemente, seconded by Dr. Goldstein, approved the continuing education committee recommendations.

**III. LEGISLATION:**

1. A-4626 - Increases number of pills allowed in initial prescription for opioid drugs in cases of acute pain. Regulatory Analyst Rachel Glasgow reported on the legislation, which allows practitioners to issue initial prescriptions for opioid drugs in cases of acute pain in an amount not to exceed a seven-day supply, instead of the limit of a five-day supply as currently provided. The Board in a motion by Dr. Kriete, seconded by Dr. Goldstein, supports this legislation.

**IV. PETITION FOR RULEMAKING: (Addendum 3-30-17)**

1. Petition for Rulemaking - Amendments to NJAC 13:30-6.1 submitted by Frank R. Recker, DDS, JD, counsel for American Board of Dental Specialties. Regulatory Analyst Rachel Glasgow discussed this Petition with the Board. The Board in a motion by Dr. Kriete, seconded by Dr. Goldstein, determined to refer this matter to a committee of the Board and defer decision for ninety days as permitted by the New Jersey Administrative Practice Act.

2. Regulatory Analyst Rachel Glasgow advised the Board that the Notice of Pre-Proposal Amendment: N.J.A.C. 13:30-6 (advertising subchapter) seeking input was published in the New Jersey Register on April 3, 2017. Comment period ends June 2, 2017.

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

1. Dr. Michael Steinle - Received as informational.
2. Dr. Christine Stinton - Received as informational.
3. Dr. Priya Sing - Received as informational.
4. Dr. Jonathan A. Glatt - Received as informational.
5. Dr. Joel Efron - Received as informational.
6. Dr. Nicholas DePinto - Received as informational.

#### **VI. ORDERS FILED WITH THE BOARD:**

##### **The following were received as informational:**

1. Dr. Jack Martin Gelb - Consent Order Modifying Restrictions on License filed on February 24, 2017.
2. Dr. Marypaulin Zelanis - Settlement Letter filed on March 2, 2017.
3. Dr. Scott Bruggeworth - Settlement Letter filed on March 13, 2017.
4. Dr. Tina Merrick Levitt - Consent Order Modifying Reinstatement Terms filed on March 16, 2017.
5. Maria Mora, RDA - Settlement Letter filed on March 20, 2017.

#### **VII. OTHER:**

1. Follow-up inquiry from Sally Gallagher, RPSGT, RST, Director of Compliance and Regulatory, PERSANTE, questioning the role of a dentist in ordering or performing sleep studies.

The Board answered “No” to the following questions:

1. Does a NJ license to practice dentistry allow a dentist to write an order or prescription for an in-center sleep study?
2. Does a NJ license to practice dentistry allow a dentist to write an order or prescription for an out-of-center sleep study?
3. Does a NJ license to practice dentistry allow a dentist to perform an in-center sleep study?
4. Does a NJ license to practice dentistry allow a dentist to perform an out-of-center sleep study?

2. Correspondence from Dr. Leonard Giles concerning the administration of Ketamine by Parenteral Conscious Sedation (PCS) permit holders for the purpose of producing moderate sedation. The Board noted that Ketamine is a substance that is usually used to provide general anesthesia, and as such, the Board's initial impression is that it is not a drug to be used for PCS. The Board requested that the Board office contact the approved PCS course providers to ask them whether they teach students to use Ketamine, and also what other substances are included in their training materials and practice.

The Board also requested that Dr. Robert Bosick from the University of Illinois be contacted for his opinion in this matter.

3. Inquiry from Lorraine Jarney requesting the Board's position of an unregistered assistant doing an "Itero Scan."

The Board discussed the information available. Previously, the Board had determined that the use of an intra-oral scanning device is a new technology that is equivalent to an intra-oral camera in terms of patient safety.

The Board indicated that as long as the dentist is reviewing the scan, and is ultimately responsible for the scan and the resulting diagnosis and treatment, an unregistered assistant may use this device. However, the Board is approving this device in this situation only, and not setting a policy or regulation that permits unregistered assistants to use all intra-oral devices that may exist now or in the future.

3. Information concerning "ADA Board of Trustees vote to create national dental licensure exam." The Board tabled discussion on this matter and referred it to the committee reviewing clinical examinations.

### **VIII. HAND-OUTS:**

1. Application process and Law & Jurisprudence Orientation Program

Executive Director Jonathan Eisenmenger provided a presentation to the Board of these two programs.

The Board in a motion by Dr. Kriete, seconded by Ms. Hecker, approved this Orientation Program to replace the current Law & Jurisprudence Exam that all applicants must complete prior to licensure.

2. The Board reviewed a letter from the New Jersey Association of Endodontists. They are requesting a meeting with the Board "to express concerns regarding deficiencies in the present standard of endodontic care provided to the public in New Jersey." The Board determined to schedule an appearance with the officers of this Association at a future meeting.

Also, members indicated that they received this same correspondence at their individual offices. The Board determined to send a letter to the Association advising that all correspondence to Board members must be sent to the Board office and not to individual board members.

3. The Board reviewed a letter from Ken Rodnebaugh, RN, seeking approval as a provider of a continuing education course in opiate education. The Board noted that this request is premature. It is not prepared at this time to make a decision about the approval of a course that will satisfy the requirements of the opiate law.

The Board also noted that completion of the one hour requirement in opioids will only be required by dentists for the 2019 renewal of their license.

4. Comment from Dr. Alan Rothstein from the New Jersey Dental Association  
It was noted that insurance companies may be denying reimbursement for referrals for endodontic therapy. These treatments are now expected to be performed by the general dentist.  
The Board asked the Executive Director Eisenmenger contact Horizon to determine what policies are in existence related to reimbursement for endodontic therapy when performed by an endodontist versus a general dentist.

**IX. ADJOURNMENT:** The Board adjourned the Public Session and moved to Executive Session for advice of counsel and review of open matters (investigations and deliberations). When and if action is taken, it will be reported in Public Session.