

Memo

To: NJDHA
From: Paul J. Bent
CC: Becky Pugh / Russell F. Bent
Date: December 15, 2017
Re: NJ State Board of Dentistry Public Session

On Wednesday, December 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: November 15, 2017 – Approved as written.

II. COMMITTEE REPORTS:

A. Continuing Education:

No Report

III. PROPOSED REGULATION:

1. Proposed Amendments: N.J.A.C. 13:30-1A.3, 1A.4, 1A.5, and 2.3 through 2.6. Scope of Practice: Dental Hygienist, Registered Dental Assistant, Limited Registered Dental Assistant in Orthodontics, and Unregistered Dental Assistant; Application for Registration as Limited Registered Dental Assistant in Orthodontics.

- Proposed Regulation along with comments received.

A Regulatory Analyst for the Division presented to the Board comments received related to the above proposal. This proposal was the result of a

Petition for Rulemaking submitted in 2014 and it was published for public comment on July 3rd, 2017.

Only one comment was received and came from a “member of the public” with no known affiliation with the dental industry. The commenter stated that they were opposed to the change and felt that RDA’s / RDH’s were not qualified for the expanded scope and that patients will be charged as if the dentist performed the work themselves.

As a reminder, such scope changes for RDH’s include the addition of:

Take impressions for orthodontic appliances;

Place orthodontic separators. The supervising licensed dentist shall review the placement to ensure proper placement of the orthodontic separators;

Remove bands and brackets without the use of rotary instruments;

Remove primary adhesive, without the use of rotary instruments, after debanding and/or debonding; and

Perform emergency treatment to provide immediate relief from an offending appliance, such as clip a protruding arch wire or remove a loose bracket.

The Board disagreed with the commenter’s assertion and voted to adopt the rule without change.

IV. FILED FORMAL COMPLAINT AND ANSWER:

1. Dr. Frederick D. Bailey – Currently under a Temporary Suspension, Dr. Bailey has responded to the charges brought against him and is contesting them. As this is a contested case the Board voted to move this case to an Administrative Law Judge for adjudication.

V. REPORTS SUBMITTED PURSUANT TO N.J.A.C. 13:3008.8:

1. Dr. Michael H. Kovall – 86 year old male has some type of incident in the bathroom prior to treatment being rendered. Accepted as informational.

2. Dr. Mathew Montenero – No details given other than the patient was post extraction with anxiety and dizziness. Board accepted as informational.

3. Rutgers School of Dental Medicine (6 reports)

- Patient swallowed gauze. Board would like to know what the patients outcome was.
- Patient complaining of headache and dizziness.
- Patient experiencing a seizure was taken to the ER.
- Patient having an extraction.

4. Dr. Christopher G. Kaplan – No patient details given other than comments related to an AED and vitals. Board accepted as informational.

5. Dr. Juan Maldonado – The Board found the report to be illegible and will send back to Dr. Maldonado to be completed again.

6. Dr. Manisha Singh – No patient details given. Board accepted as informational.

7. Dr. Nathan Ostler – No patient details given. Board accepted as informational.

VI. OTHER MATTERS:

1. Dr. Peter Freundlich – Request for Board consideration in amending the regulation to allow dental therapy dogs in the dental office.

Current regulations prohibit pets or animals in the operatory with the exception of guide or service animals. The Board is unclear how therapy animals are trained and certified and if they are considered “service animals” under the law.

Board voted to move this to the Rules & Regulations Committee for further review.

2. Dr. John Mady – Request for clarification with regard to CDA/RDA allowable duties.

Dr. Mady is asking if a CDA or RDA can remove an implant healing collar, place impression caps, take final impression, and replace the healing collar.

Board to respond that, under current regulations, the answer is No to all of those questions.

3. DOCS – Additional information submitted in follow-up to a request for approval of an IV Sedation Re-certification course for New Jersey dentists.

Board found several issues with the application including questions regarding the instructors and the appearance that the last date they lectured was in 2010.

Board instructed staff to get additional information.

4. Correspondence looking for guidance with regard to “professional practice arrangements.”

- Mohamed H. Nabulsi, Esq.

- Eric S. Klein

This question was asked in two separate letters from those named above. They are asking if an ambulatory surgical center can be owned by a “non-dentist” but provide dental care.

The Board moved this issue to their Corporate Practice Committee for further review.

VII. ORDERS/SETTLEMENT LETTERS FILED BY THE BOARD:

1. Tammy Kelleher, RDA – Final Consent Order filed on October 18, 2017.

2. Dr. Harihar Kumar – Settlement Letter filed on September 29, 2017.

Board accepted both as informational with no details given.

VIII. APPEARANCE:

1. 11:00 A.M. – Dr. Scott Meltzer – Appearance concerning his request for licensure Reinstatement. Dr. Meltzer’s license was suspended by Board Order filed on May 4, 2016.

IX. ADJOURNMENT:

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