

# 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:** October 8, 2014

**Re:** NJ State Board of Dentistry Public Session

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On Wednesday, October 1<sup>st</sup>, 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:

Prior to the start of the meeting the Board held a brief ceremony to recognize the service of two past board members, Drs. DeScisio and Davis.

**I. APPROVAL OF MINUTES:** September 17, 2014 – The Board approved the September 17<sup>th</sup> minutes with minor changes.

Kim McMahon rose with regard to the Board's September 3<sup>rd</sup> minutes and explained that the Board had misinterpreted what was being asked for in Dr. Breen's letter. Board attorney Nancy Costello-Miller apologized for any confusion on the Board's part and asked Ms. McMahon if clarifying material could be sent. Ms. Costello-Miller indicated they would add this to the agenda for their November meeting.

**II. Representative from the Division of Consumer Affairs to discuss the 2014 Appropriations Act, P.L. 2014, c.14, signed into law by Governor Christie on June 30, 2014.**

Staff from the Division of Consumer Affairs reported to the Board that in this last budget voted upon by the legislature and signed by the Governor, that the budget reduced the funding of the State Police and the Division of Criminal Justice by \$25 million each (\$50 million total) but authorized the Attorney General to transfer no more than \$50 million in unspent monies from the professional boards to cover this reduction. In reviewing the various boards budgets, staff identified 11 boards, including the Board of Dentistry, from which to take these monies from.

The Board of Dentistry is slated to lose \$2 million in funds. Staff indicated that the Board of Nursing and the Board of Medical Examiners lost the most due to this funding change.

Staff indicated that this transfer should not affect Board operations and the Board should make this money up in just a couple of years. Staff also said that, since the Board's budget is for a two year cycle, the reduction in licensure fees for RDA's who are about to renew will still occur.

A copy of a "Revenue Review" was provided to the Board and a copy is attached should you wish to look at it.

**III. COMMITTEE REPORTS:**

**A. Applications:**

1. Dr. Brian J. Rooney - Request for Enteral Sedation permit. Dr. Rooney is a practicing dentist from California who focuses on pediatric dentistry. Earlier this year he applied for a NJ dental license which was granted. Had he applied for his Enteral Sedation permit at the same time he could have received it under the three year grandfather period. He failed to do so and is asking the Board to waive the education requirement. The Board has denied his request and will require he complete 20 hours of continuing education in enteral sedation before a permit will be issued to him.

## **B. Continuing Education:**

Several courses were under review by the Board and will be reported on later.

**C. New Jersey Dental Association - Notice of Petition for Rulemaking - Board to take action.** This petition dealing with the corporate practice of dentistry was tabled for one month at the request of the NJDA. The NJDA, which is the petitioner in this case, had been contacted at the last minute by a Dental Services Organization asking to meet on this topic before action was taken. The NJDA has agreed to meet with them and hopes to have this item acted upon at the November Board meeting.

## **IV. REGULATIONS:**

1. Third Party Care Financing - Draft regulation. A regulatory analyst from the Division of Consumer Affairs met with the Board to discuss the status or draft regulations dealing with "health care credit cards" or lines of credit being offered in some cases for dental treatment. The current draft, prepared with input by the Board's regulations committee, would require written consent by the patient, a signed treatment plan, certain disclosure requirements, a cooling off period, and patients right to a refund among other things.

Several Board members raised concern about this draft and the burden it would be putting on dentists. After some discussion the Board voted to do additional review and to send the draft back to the regulations committee for further input.

## **V. REQUEST FOR REINSTATEMENT OF LICENSE:**

1. Dr. Ewa Marcinkiewicz-O'Brien - License was temporarily suspended by Board Order filed on May 30, 2013. This case centers on a substance abuse issue. Due to activity in the back of the room I was unable to hear what action the Board decided to take.

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

1. Dr. Kimberly Agbulos – Patient complained of chest pain during care. Vitals were taken and patient was taken to the ER. Board accepted as informational.
2. Dr. Warren M. Torchinsky – 72 year old male patient was “shaking” and complaining of feeling ill prior to care. Board accepted as informational.
3. Dr. Paul J. Lawyer – 59 year old female coming in for a prophylaxis reported “feeling funny”. It was later learned the patient was on a liquid diet for an upcoming medical procedure. Board accepted as informational.
4. Dr. Nicholas A. Vero – 88 year old male on Coumadin fell down in the office. Board accepted as informational.
5. Dr. Margarita Vergara – 54 year old female reported feeling “unsteady” prior to care being given. Board accepted as informational.

## **VII. ORDERS/SETTLEMENT LETTERS FILED BY THE BOARD:**

1. Dr. Alfred Khallouf - Consent Order filed on September 3, 2014.
2. Dr. Lekha Tull - Settlement Letter filed on September 2, 2014.
3. Dr. David J. Ernst - Consent Order filed on September 17, 2014.

All three cases were accepted as informational with no further details being given.

## **VIII. OTHER MATTERS:**

1. Additional information from Cecile A. Feldman, DMD, MBA, Dean, Rutgers School of Dental Medicine concerning the International Dental Program. The additional material was in response to the Board's request related to Limited Teaching Certificates. Board accepted as informational.
2. Inquiry from Donna Notaro, RDH, Continuing Education Coordinator, Rutgers School of Health Related Professions questioning if they schedule a class for later this year 2014, to take a nitrous oxide sedation renewal course, will it be approved to be used towards the

renewal in 2015? The Board will respond yes as the regulations provide that the renewal course must occur anytime in the four year period for which permit covers.

3. Inquiry from Vita Zhylyak, dental hygienist, questioning whether hygienists can “perform non-invasive soft tissue laser bacterial reduction treatment.” Board will respond no as it is not aware of any laser that does not cut, heat or deform tissue. Also, the Board is not convinced that the use of lasers for bacterial reduction is a proven technology.

4. Inquiry from Kathy Ann Dowling, dental hygienist, questioning whether “Myofunctional therapy is within the scope of practice of a dental hygienist.” Board indicated that an RDH can provide education, however, the Board is asking for additional information before it will answer the question of whether or not an RDH can recommend specific exercises to patients.

5. Dr. Frank R. Besson - Follow-up correspondence concerning the continuing education credits for licensure renewal. The Board moved this to Executive Session.

6. Website article entitled “Steven J. Anderson: What’s your guarantee?” The article dealt with dental warranties and warranties on dental work offered by third parties. The Board accepted this as informational.

### **Public Comment:**

Art Meisel of the NJDA asked if an RDH can take x-rays while under general supervision with written orders. The Board responded yes and noted that there are no changes with regard to how the DEP regulates the taking of x-rays.

### **IX. ADJOURNMENT:**