

# Memo

**To:** NJDHA  
**From:** Paul J. Bent  
**CC:** Becky Pugh / Russell F. Bent  
**Date:** November 11, 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:

**I. APPROVAL OF MINUTES:** October 15, 2014 – Approved with minor changes.

**II. COMMITTEE REPORTS:**

**A. Applications:**

None

**B. Continuing Education:**

Several courses under review to be reported on later.

**C. New Jersey Dental Association** - Notice of Petition for Rulemaking concerning the ownership and management of dental practices.

NJDA reported that they have met with interested parties at the request of the Board and are waiting for a proposal. Board tabled this item until December.

### **III. REGULATIONS:**

1. Third Party Care Financing - Draft regulation. A regulatory analyst was present to provide background information to the Board and to solicit their input. Several ideas were shared concerning implied consent and the use of credit by patients for dental care. These ideas will be reviewed by the Regulations Committee and brought back to the full Board.

### **IV. LEGISLATION:**

1. A-3804 - Requires State agencies to periodically review administrative rules and regulations to ensure continued efficacy.

The Board reviewed this legislation and found that it already does some things such as "sunset review". They were concerned about some of the vague language in the bill such as "fairness" and "human dignity" and how that would be quantified. The Board voted to support this legislation with the request that additional clarification be provided in the bill.

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

1. Dr. Elon T. Elisha – 57 year old female having restorations performed under LA became dizzy and hit her head on a bookcase when leaving the office. Board moved this item to executive session.

2. Dr. Christina Lee – 30 year old male under LA had a syncopal episode and seizure. Board moved this item to executive session.

3. Dr. Jason Slomovitz – 79 year old male coming in for wax records fell on his way into the office which resulted in the patient complaining of hip pain. Treatment was provided. Board move this item to executive session.

4. Dr. Michelle Mirza (2 reports)

- 84 year old female had an elevated blood pressure of 198/87 prior to care being given. Dr. Mirza held any dental care and had the

patient transported to the ER for care. Board moved this item to executive session.

- 57 year old female had a significantly elevated blood pressure before dental care began. As noted for the patient above, no dental care was provided and patient was taken to the ER. It was later learned the patient was admitted to the ICU. Board moved this to executive session.

5. Dr. Gail S. Hutnick – 5 year old male experienced “frothing” at the mouth and seizure like activity. Board accepted as informational.

6. Dr. Priyu Gupta – 66 year old male reporting for an extraction under LA became pale and experienced a “vaso vagal” episode. Board accepted as informational.

#### **VI. INQUIRIES FOLLOWING ACTIONS FILED BY THE BOARD:**

1. Dr. Frank Conte – Quarterly report from PROBE program. Board moved to executive session.

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

1. Dr. Alexander Rockwell – Accepted as informational with no details provided.

#### **VIII. OTHER MATTERS:**

1. Dr. Anthony Terra – Additional information in follow-up to the continuing education credits required for licensure renewal. Is asking the Board for 20 credits for his documented volunteer service in Guatemala. Board had previously granted him a similar request back in 2002. Board voted to approve the 20 credits. Arthur Meisel of the NJDA was asked to spread the word about such credits. He agreed to do so when he receives some suggested language for the announcement from the Board.

2. Correspondence from Elliot P. Schlang, DDS, President, Big Smiles concerning their in-school dental program. This appears to have been an advertisement from Dr. Schlang on his mobile dental program to visit schools. It was unclear if the participating dentists

were licensed in NJ. Staff to find out about their work in other states.

3. Inquiry from Dana Bonuomo, DH questioning whether a hygienist is allowed to "do prophylaxis/varnish on pediatric patients without getting an exam/check with the dentist." The Board was not sure what she was asking and have asked staff to get additional information.

### **Handouts:**

Rebecca Pugh, Executive Director, NJDHA – Letter regarding the NJ Coalition on Oral Health for the Aging and several questions as follows:

- May dental hygienists demonstrate home care on specific patients as requested by the nurses aids?
- May dental hygienists provide daily home care for patients when the nurses aid needs assistance?
- May dental hygienists perform screenings with a mirror and toothbrush to provide referrals for needed dental care?
- Would application of fluoride varnish be acceptable in this program?

The Board responded YES to all of the above questions with the reminder that the hygienist must be working under the general or direct supervision of a dentist.

- Is Dr. Zwetchkenbaum's development, management and oversight of this program acceptable as far as supervision laws?

As a licensed dentist, Dr. Zwetchkenbaum is able to provide supervision to three hygienists at a time. As for his involvement in the development, management or oversight of any program, the Board is not in a position to say.

Kim McMahon – Responded to the Board from last month's meeting regarding correspondence from Dr. Carolyn Breen that dealt with a course in infection control. Mrs. McMahon stressed the importance of infection control and the need to have non-RDA dental assistants properly trained. The Board responded that, as non-RDA dental assistants are not licensed by the Board, they could not force them to take the course. Staff pointed out, however, that the Board could prohibit dentists from hiring or using non-RDA dental assistants who

do not have this class. While there was some discussion the Board did not take any action.

CODA – Invite for Board members to attend site visits. Board accepted as informational.

Jonathan Eisenmenger – Two articles for Board review. Board accepted as informational.

### **Public Comment:**

Paul Bent, NJDHA had the following questions for the Board:

- In August, Arthur Meisel asked if RDA's can use prophylactic paste to polish teeth. At the time the Board wanted to review the minutes of prior meetings to avoid any confusion. Mr. Bent asked for the status of the Board's response. The Board replied that the answer was NO, RDA's can only use pumice and water to polish a tooth in preparation for other work by the dentist.
- A question had been recently raised asking if a dentist can obtain CE when taking a course approved by the NJDHA. The Board responded that, at the time of approval, the Board will designate if a course is limited for a specific class of license. So long as the course is not limited for credit by RDH's or RDA's only then YES, dentists can obtain CE.
- An RDH who had received her LA permit in 2013 was asking if she could take her four hour CE course to maintain her LA permit during the 2014/15 renewal period or during the 2016/17 renewal period. The Board responded that she can take it now or during the 2016/17 period so long as she does it before the end of the 2016/17 renewal period.

(NOTE: The two answers above regarding CE for dentists and CE for LA permits conflict with other things we have been told. I would advise we wait for the Board of Dentistry to adopt their minutes from this meeting before providing any further definitive answers to members on these subjects.)

### **IX. ADJOURNMENT:**