

Memo

To: Lauren Jaccodine, Vicky Fedor, Becky Pugh, Susan Singer, Debbie Myers, Gail Woller, Natale Carmela, Mia LoGiudice, Carolyn Breen, Rhoda Gladstone, Christine Casile

From: Paul J. Bent

CC: Russell F. Bent

Date: October 7, 2013

Re: NJ State Board of Dentistry Public Session

On Wednesday, November 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: October 16, 2013 – Approved with minor changes.

II. COMMITTEE REPORTS:

Applications:

1. Dr. Hari Desai - Application for a dental license. Reconsideration of the Board's decision that NERB must be taken. Dr. Desai appeared before the Board to ask that they accept his WREB scores for licensure. The Board had previously ruled that at the time he took the WREB (2003) it was not comparable to the NERB and denied his application. Dr. Desai is considering his options which include seeing if he can retest those portions he scored less than 70% on or seek a profession to validate that the exam he took is comparable with NERB which would be at his own expense.

2. Christine Bullock-Berger, RDA - Request for reinstatement of her registered dental assistant registration. As her registration expired more than five years ago (2007) rules state she must retake the exam and complete the CE that would have been required over that period of time.

3. Lisa Nothe, RDA - Request for reinstatement of her registered dental assistant registration. The Board has a question about when her registration expired. One source had it at 2006, however, other information indicated it was more recent (within the past 5 years). Board tentatively approved reinstatement with completion of refresher course and CE with confirmation from staff of the expiration date.

Continuing Education:

This was tabled for later in the meeting as Shirley Birenz had only just received the materials for review.

III. FY2013 BOARD OF DENTISTRY BUDGET REPORT (Final)

Accepted as informational by the Board.

IV. PROPOSED REGULATION:

1. SUBCHAPTER 1A. DENTAL HYGIENISTS

Board voted to withdraw its previous proposal so that it could make the following changes:

- Clarify other procedures which must be done under direct supervision to include:
 - Retraction cords
 - Medicated pellets
 - Bleaching
- Require second employee in office or clinic setting must be trained to implement the emergency plan.
- Remove the requirement that the RDH must consult with the supervising dentist before applying a topical agent in a school setting. Instead, dentist must outline the conditions in which topical agents will be applied.

- Delete requirement for written authorization of dentist to apply topical agents in school setting.

This proposal will now go through the process of review from the Division of Consumer Affairs and the Governor's Office.

NOTE: While staff was present for this discussion the Board did bring up a hand-out looking for their opinion on S-2875. This bill requires prescribers and pharmacists to check prescription monitoring program prior to prescribing and dispensing Schedule II drugs. The Board tabled this for later in the meeting.

Also while staff was present the Board addressed a petition for rule making from Arthur Meisel on behalf of the NJDA related to the unlicensed corporate practice of dentistry. Staff informed the Board that petitions such as this must follow a specific time line and suggested that the matter be referred to the Board's regulations committee for a 90 day review. Board approved this recommendation.

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

1. Dr. Pedro E. Parente – 65 year old male diabetic patient became disoriented after having an x-ray but before treatment was given. Patient was given glucose and taken to the ER by ambulance. Patient later reported to be doing OK. Board moved to executive session.

2. Dr. Hardick Shah – 84 year old male patient at Rutgers Dental School thought he swallowed a "distal root" during care. Patient was taken to the ER for x-rays and no foreign body was found.

VI. REQUEST FOR MODIFICATION TO THE BOARD'S ORDER:

1. Dr. Young Kim – Moved to executive session with no details given.

2. Dr. Nicholas Breen – Seeking release from consent order. Board moved to executive session.

3. Christine Tunncliffe, RDH – Seeking unspecified relief from consent order. Moved to executive session.

4. Dr. Melinda Wagner – Moved to executive session with no details given.

VII. CORRESPONDENCE IN FOLLOW-UP TO THE BOARD'S ORDER/SETTLEMENT:

1. Dr. Francisco Esparza – Agreen in 2010 consent order to pay patient restitution and related fines to the Board. Reports that he has fallen on “hard times” and asks to change the payment schedule. Board moved to executive session.

2. Jaime H. Tapia (Unlicensed) – Received a penalty of \$10,000 (half of which was stayed) related to the unlicensed practice of dentistry (was performing root canals). Is asking for permission to pay the \$5,000 penalty due by making payments of \$100 a month until paid off. Board approved.

VIII. ORDERS FILED WITH THE BOARD:

1. Dr. Michael Panitch
2. Dr. Stephen A. Beukas
3. Dr. Jack Altomonte
4. Dr. Lawrence Piekarsky
5. Dr. Ahmad Sedehi

Accepted as informational by the Board with no details given.

IX. OTHER MATTERS:

1. Inquiry from Arthur Meisel, Esq., New Jersey Dental Association, inquiring whether a registered dental assistant can perform, without hand instrumentation, a supra-gingival polishing using a rubber cup with pumice and a rotary slow speed hand piece. Board to respond that there has been no change from its previous policy and is OK. Board went on to say it was not a “prophy”.

2. Inquiry from Lara Maresca, RDA questioning whether ITERO Scanner, for study models and invisalign, can be done without the dentist being present in the office. Board to respond "no" as the RDA must work under the direct supervision of a dentist.

3. Invitation to Participate on Commission on Dental Accreditation Site Visits. No Board members volunteered at this time.

4. WREB - Fall 2013 Newsletter. Accepted as informational.

Off Agenda:

It was announced that Dr. Maxine Feinberg has been elected President-Elect of the ADA. The Board is very proud of her accomplishment.

Dr. Luster is preparing to retire and is not renewing his license. He asks that the Board grant him an extension on his license so that he can participate in a "Bright Smiles" program on November 12. Staff informed the Board that no extension is necessary as licensees are granted a 30 day grace period from the expiration date of their license during which they are deemed to still be licensed.

X. APPEARANCES:

1. 11:45 A.M. - Deputy Attorney General, John D. Hugelmeyer - Discussion concerning designation of a representative (and an alternate), who will be authorized to execute certifications in support of obtaining access to the prescription monitoring information.

2. 2:00 P.M. - Hipolito Solano (Unlicensed) - Administrative Complaint - Notice of Motion for Default and Default Judgment.

XI. ADJOURNMENT: