

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: April 8, 2014

Re: NJ State Board of Dentistry Public Session

On Wednesday, April 2nd, 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: March 19, 2014 – Approved with minor changes.

II. COMMITTEE REPORTS:

A. Applications:

1. Meghna Desai and Deep Mukesh Desai - Inquiry questioning whether they qualify for a New Jersey dental license. They are senior students at University of Buffalo. They took the WREB exam in March 2014 and the DSE examination component of NERB on March 8, 2014. Board to respond "no". The regulations provide only for NERB or ADEX exams for new, first time licenses.

2. Candace Clause Austin - Request for the requirements necessary to reinstate her dental hygiene license. Practiced from 1980 to 2004, she

is asking for a "temp" license until she can take the required refresher course which she says is not offered until September. Board to respond that they do not offer "temp" licenses but will suggest she contact the course providers to see if she can arrange for a private course.

B. Continuing Education:

1. Burlington County Dental Study Club - Request for approval of a course entitled "Pain Management." While no details were provided by the Board, Dr. Reva and Dr. Dolinski made a motion to table this item for additional review. Board voted to table.

III. ADOPTED AMENDMENTS:

N.J.A.C. 13:45A-27, 27.3, 27.4, 27.8, and 27.9 - New Jersey Uniform Prescription Blanks Program - NJPB Printing Specifications. Rachel D. Glasgow, Regulatory Analyst and Matt Wetzal, Acting Manager for NJ Drug Control Unit will discuss the adopted amendments.

This was an information session regarding new prescription pads which were approved by the Division of Consumer Affairs on February 18, 2014. As of May 19th of this year only "new" prescription pads may be ordered and "old" prescription pads will only be valid through August 18th.

The new pads have more security features built in. They will now be green on the front (was blue) while the back will be blue. There will be "thermo" ink used that will disappear when rubbed then come back. A line of micro print will now be on the prescriptions as well as the word "void" which will appear when photocopied. Lastly, a 15 digit code will be used which will identify the printing company, the dentist, and other information related to when the pad was printed.

After August 18th, dentists will need to certify that the old prescription pads were properly destroyed.

IV. PROPOSED REGULATIONS:

(Note: While listed as “proposed regulations” the bills listed here are currently before the legislature awaiting action. The division was looking for the Boards positions on them.)

1. A-606 - Provides civil immunity to licensed health care professionals who provide care at health care facilities for no compensation. Board voted to support as it may help with access to care.

2. A-1254 - Requires certain civil actions against certain licensed persons to be brought within two years. After a lengthy discussion the Board voted to take no position at this time. They feel a “balance” is needed between what is reasonable for the licensee while protecting the rights of the consumer.

3. A-2332 - Requires public body to publish notice of public meeting on official Internet website. Board voted to support and noted that they already do this.

4. S-614 - Reduces statute of limitations for medical malpractice liability actions to four years. Board voted to take no position for the same reasons listed above with A-1254.

5. S-681 - Provides for issuance of certificate of rehabilitation to certain offenders with substance abuse disorders. Board voted to support.

6. S-682 - Establishes process to bar certain health care providers from receiving reimbursement under PIP. Board voted to oppose as they felt the language was too vague and did not address all of the related issues.

A-2460 (Not on agenda) – Waives certain fees for veterans and their spouses. Board voted that it would support if amended to apply only to one licensure period.

V. FORMAL COMPLAINT AND ANSWER:

1. Dr. Jack Gelb – Contested case dealing with business practice. Board voted to transfer to the Office of Administrative Law.

2. Dr. Ira Klemons & Dr. Janet Crain – Contested case dealing with how care was provided. Board voted to transfer to the Office of Administrative Law.

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

1. Dr. Nicholas Breen – Seeking release from the Board's order of 2010 having met all of its conditions. Board voted to vacate the order but require he remain in the advocacy program.

2. Dr. Walter Bilotta – Seeking reduction in the number of follow-up visits in his consent order. Based on the report the Board voted to approve his request.

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

1. Dr. Joshua R. Braunstein – Moved to Executive Session.

2. Dr. Hani Braidy – 29 year old female having had an extraction under general anesthesia passed out on the way to her car. Board accepted as informational.

3. Dr. Jonathan Glatt & Dr. Joseph Oleske – 75 year old patient became "itchy" before care was given. Board accepted as informational.

4. Dr. Sunita Merriman – Reports patient became pale and weak following a prophylaxis. Patient was taken to the ER for further care. Board moved this to Executive Session.

5. Dr. George E. Lambrino – 77 year old female with post-op bleeding following an extraction. Board accepted as informational.

6. Dr. Judah E. Malka – 26 year old female was not treated due to high blood pressure reading. Board moved this to Executive Session.

7. Dr. Alan Gold & Dr. Purav Patel (Hackensack Mountainside Dental Clinic) – 40 year old female showed signs of an elevated blood pressure following administration of local anesthesia. Dental treatment was not given due to the elevated BP.

8. Dr. Sanford J. Shifman – 80 year old patient fell outside of dental office. Board accepted as informational.

VIII. FILED ORDERS BY THE BOARD:

1. Jamie H. Tapia (Unlicensed) - Settlement Letter filed on February 19, 2014
2. Dr. Usha V. DeSai - Consent Order filed on February 19, 2014
3. Dr. Stephen T. Deehan - Consent Order filed on March 5, 2014
4. Dr. Lawrence Piekarsky - Consent Order filed on March 5, 2014
5. Dr. Anup Muduli - Consent Order of Voluntary Surrender of Licensure filed on March 5, 2014
6. Dr. Anthony J. Ermocida - Consent Order Voluntary Surrender of Licensure filed on March 5, 2014
7. Dr. Leonor Ordaz - Consent Order of Voluntary Surrender filed March 17, 2014.
8. Dr. Alexander Kim - Consent Order filed on March 20, 2014.
9. Dr. Raymond L. Pacholec - Consent Order Granting Unrestricted License filed on March 26, 2014.

All orders were accepted by the Board as informational.

IX. OTHER MATTERS:

1. Inquiry from Mary Plut, dental hygienist, questioning whether hygienists are permitted to numb the dentist's restorative patients even if they are not seeing that patient for root planing.

Board to reply yes, it is OK for a hygienist to do this.

2. Groupon - Discussion by the Board.

This issue has been lingering with Board staff for some time, the question being is such an arrangement "fee splitting", which is prohibited, or a fee for advertising. While the Boards Deputy Attorney General feels arguments could be made for both, she now believes that it is more like advertising, however, rules specific to this kind of advertising should be adopted.

The Board voted to send this to the rules committee to draft regulations for the Board to consider. In the meantime, the Board indicated that they would not enforce "Groupon" and other like services as fee splitting, however, all other advertising regulations are in full force.

X. FORMAL HEARING:

1. 10:00 A.M. - In the Matter of the Suspension or Revocation of the License of **Jennifer Lamphier, DMD** to Practice Dentistry in the State of New Jersey.

An oral surgeon, she was arrested for writing prescriptions in other doctors names. Prior to her appearance before the Board she agreed to surrender her license and participate in the PAP.

Not on Agenda:

- Staff involved in writing the "general supervision" regulations came to the Board regarding questions related to curing lights. The Board voted to amend their draft regulations to change the word "hold" to "use" as it relates to curing lights. This will apply to all settings a hygienist can work in.
- Rutgers sent the Board a letter indicating that they will no longer be accepting dentists into their PRIME course as they only have room now to accommodate medical doctors. The Board was offended by this action and will reply to Rutgers that this is "wrong" and ask Rutgers to reconsider their decision.
- The Board received a letter asking if a hygienist can apply a topical or sulcular numbing agent under general supervision. The Board will respond "yes".
- The Division of Consumer Affairs has released a statement that out of state professionals assisting with the Special Olympic World Games in June must be licensed in New Jersey to do so. Because of the proximity of the games, every courtesy will be extended to these volunteers to move their applications along.

XI. ADJOURNMENT: